

PETER SZANTO 949-887-2369
11 Shore Pine
Newport Beach CA 92657

United States District Court
in and for the District of Oregon
1000 SW Third Ave, Portland ORE 97204

Peter SZANTO

APPELLANT, PLAINTIFF

VS.

Szanto Family Defendants,
JPMorgan Chase Bank,
Bank of America, et al

APPELLEES, DEFENDANTS

***** ORAL ARGUMENT IS**
REQUESTED *****

Hon. Judge Simon

3:18-cv-939 SI

Various Matters from US Bankruptcy

Court – District of Oregon

Core Case -16-bk-33185 and

Related Proceedings

Appellant / Debtor's Notice of
Motion and Motion for an
EMERGENCY ORDER Seeking:

1) Preliminary Injunction of ALL
Further Proceedings in the
Bankruptcy Court

AND

2) Temporary Restraining of
ALL Further Proceedings in
the Bankruptcy Court

++ EXPEDITED CONSIDERATION
IS REQUESTED ++

1
2 **1. Certification in Compliance with Local Rule 7-1(a)**

3 This Court's Motion Practice rule requires pre-motion party conferral, except in
4 instances, as herein, when temporary restraint is sought. That is, debtor / appellee
5 seeks temporary restraint of the Bankruptcy court until this Court can take total control
6 of the administration of debtor's Bankruptcy estate and administration of debtor's entire
7 Bankruptcy. The original Motion to Withdraw the Bankruptcy Reference is incomplete,
8 because it did not address recent events as more fully described herein.
9

10 As will be described momentarily, debtor, intentionally deprived by the Bankruptcy
11 court of the ability to access legal representation, or at least consultation with counsel, is
12 now far too confused, beyond all ability to comprehend and is bewildered by the entire
13 Bankruptcy process fully to understand or grasp what to do next, so as effectively to
14 protect his rights and interests.
15

16 **2. NOTICE**

17 To the appellees and the U.S. Bankruptcy Court in and for the District of Oregon,
18 please take notice, pursuant to FRCP 65(a), appellant herein does notice, gives notice
19 and serves notice that he is seeking a preliminary injunction and a temporary restraining
20 ORDER as to all further proceedings in this District's Bankruptcy Division.
21

22 **3. GROUNDS**

23 The grounds for this application derive from 28 USC 157(d). 28 USC 157(d) has
24 two parts: mandatory and permissive. The mandatory portion has come before this
25 Court by way of [EXHIBIT A]. Now, additionally, debtor invokes the first sentence of 28
26 USC 157(d) and asks for emergency relief so as to withdraw the whole of the
27 Bankruptcy based **upon good cause which will be shown by proof.**
28

1
2 For the reasons which will now be explained, the entire of debtor's Bankruptcy
3 case now proceeding before Judge McKittrick has become woefully biased such that
4 appellant is deprived of all possibility of any future fair hearings. Even debtor's ability to
5 present evidence such that they it be reviewed objectively and without a pre-ordained
6 outcome, in all instances, has entirely become impossible; all to debtor's immediate
7 detriment and potentially to irreparable injury.

8 **The essential reason that this request for immediate restraint comes**
9 **before this Court is that the Bankruptcy Court has scheduled a hearing regarding**
10 **contempt as to debtor for August 23, 2018. [EXHIBIT B].**

11
12 **a. Nature of the Emergency**

13 The nature of the emergency situation which requires immediate relief in the
14 form of a temporary injunction and immediate restraint is that:

15
16 **If the contempt hearing goes forward in the Bankruptcy Court,**
17 **debtor will likely lose and be found in contempt. Thereafter, all**
18 **of debtor's credibility in this Court will be reduced to zero, thus**
19 **effectively deciding the outcome of all matters now before this**
20 **Court and thus rendering this Court's power ineffective**
21 **successfully to decide the matters herein, due to the intense**
22 **negative effect of a contempt decision.**

23 Based on the intense bias which Judge McKittrick has developed against
24 debtor, the outcome of the contempt hearing is already known to an absolute certainty;
25 debtor will lose!! Debtor has already asked for additional time to obtain direct evidence
26 which would bolster his contentions, evidence and proof [EXHIBIT C]. That motion was
27 denied on 8/14/18. [EXHIBIT D].

1
2 Thus, the (8-23-2018) threatened event which necessitates emergency action is
3 the contempt hearing . which debtor knows will have an adverse outcome. And which
4 thereafter will unfavorably impact and most unsympathetically brunt every attempt by
5 debtor to rehabilitate his credibility so as finally to emerge from Bankruptcy.

6 **Upon these grounds the immediate threatened event which needs restraint**
7 **is the contempt hearing of 8-23-2018.**

8
9 **The irreparable harm which will certainly will be the outcome of that**
10 **hearing is that debtor will be found in contempt. Thereafter, for all time, debtor's**
11 **credibility, trustworthiness, perceived character and standing before this Court,**
12 **and every other court in which he appears, will be that of a litigant who is**
13 **mistrusted, not respected and disbelieved as to all matters. Adverse outcomes to**
14 **all and everything which debtor advocates would thereafter be assured.**

15 These are the potential harms and very negative future outcomes which debtor
16 seeks to enjoin, such that they be reviewed by an impartial judge in this Court.

17 Debtor's goal is an impartial hearing regarding his Bankruptcy, before an
18 unbiased judicial officer, such a hearing can no longer occur in the Bankruptcy Division.
19 For that reason, before debtor's standing before this Court is impaired by any adverse
20 outcome in the Bankruptcy court, debtor seeks EMERGENCY relief.

21
22 **4. Fundamental Harms and Irreparable Injuries From Which**
23 **Appellant / Debtor Seeks Relief**

24 Four of appellant / debtor's matters are before this Court: 1) 28 USC 154(d),
25 second sentence, mandatory withdrawal of the Bankruptcy Reference, 2) appeal of the
26 decision regarding the family dispute, 3) appeal of the decision regarding JPMorgan-
27 Chase Bank and 4) appeal of the decision regarding Bank of America. At the time the
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1
2 [EXHIBIT A] withdrawal motion was filed, debtor sought relief based on the mandatory
3 provisions of 28 USC 157(d).

4
5 Now, however, the Bankruptcy court has demonstrated concrete and tangible
6 hostility towards debtor, which debtor contends allow him to invoke the first sentence
7 provision of 28 USC 157(d): withdrawing the Bankruptcy reference for good cause.
8 The good cause being the continuing demonstration of the Bankruptcy court's hostility .
9 and hence impossibility of debtor receiving a fair or impartial hearing regarding the
10 matters now before that Bankruptcy court.

11 The good cause upon which debtor relies, is the fact that hearings before Judge
12 McKittrick have been neither impartial nor fair, because of intense, articulated suspicion
13 regarding debtor, which constrains objective assessment of the facts and evidence.

14 The Supreme Court has settled that fundamentally fair judicial process requires
15 a hearing before a judge with no actual bias or interest in the outcome of any particular
16 case before her or him. *Bracy v. Gramley* (1997) 520 U.S. 899 accord *Withrow v.*
17 *Larkin* (1975) 421 U.S. 35 accord *Aetna Life Ins. Co. v. Lavoie* (1986) 475 U.S. 813
18 accord *Tumey v. Ohio* (1927) 273 U.S. 510). ~~It~~ To perform its high function in the best
19 way justice must satisfy the appearance of justice. *Schweiker v. McClure* (1982) 456
20 U.S. 188 accord *J.E.B. v. Alabama*, (1994) 511 U.S. 127.

21 Debtor contends that very good cause exists for withdrawal of the Bankruptcy
22 reference because the Bankruptcy court is no longer impartial, and is highly biased
23 towards, debtor.

24 **a. Timeliness**

25 The imminence of the threatened contempt hearing set for 8-23-2018, became
26 certain only on 8-14-18 when that Bankruptcy court denied debtor's ability to secure
27 evidence properly to demonstrate and exculpate his innocence of the allegation of
28 18-cv-439 Motion to Enjoin Further Proceedings in Bankruptcy Court 6 pg. 5

1
2 failing to turn over estate assets. [EXHIBIT D]. Debtor is acting with all due speed to
3 immediately, as practical, present this request for relief in this Court.

4
5 Pursuant to Local Rule LR 2100-3(c)(1) this application is being filed as
6 debtor's first motion in this Court.

7
8 **b. Extreme Urgency to Restrain Threatened Action**

9
10 **1. Essential History of this Bankruptcy through 8-20-2018**

11 This Bankruptcy began as an individual Chapter 11 reorganization in August
12 2016. The U.S. Trustee alleged that debtor had not been complete in listing his assets.
13 Debtor's defenses, among others, were that he had no control, possession or dominion
14 over a testamentary trust managed by his wife and children. Debtor also defended by
15 offering evidence that his wife (after 40 years of business partnerships and marriage
16 under the community property laws of California) had her own independent ideas of
17 what assets actually belonging individually to debtor. Debtor also clearly stated that his
18 obligations of spousal support precluded his unilaterally deciding his wife's claims while
19 the couple were (at that time and are continuing) the dissolution of their marriage.

20 Judge McKittrick was un-persuaded by debtor's arguments and the Bankruptcy
21 was converted to a Chapter 7 liquidation in November 2017. Approximately \$1.3 million
22 of debtor's stocks, bonds, corporate preferred shares and bank accounts were seized
23 by the Trustee and are now in his possession and total control. The Trustee also seized
24 approximately \$350,000 belonging to debtor's wife and children; and an action is
25 pending to make that money part of debtor's Bankruptcy estate.

26 In January 2018, the Trustee accused debtor of having Singapore or Australia
27 bank accounts. The truth was that certain bank transactions relating to Singapore or
28 Australia currency swaps, futures and trading were denominated on bank statements as

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2 global transfers, giving the erroneous impression that money was transferred outside
3 the USA. Debtor investigated. To debtor's surprise some money belonging to him had
4 been transferred without his knowledge or action to Australia.

5 Debtor, without any order to do so, based solely on his desire to be compliant
6 with the turnover of assets to the Trustee order, immediately arranged that money
7 (\$81,384) be tendered to the Trustee. [EXHIBIT C, pp. A1-A3]. Debtor was unaware of
8 transfer of this money (by automatic trading programs he employed); but alerted to that
9 fact immediately undertook, and did deliver that money to the Trustee.

10 Only 7 months later, without any contact (between the Trustee and debtor) as
11 to the subject in the interim, did the Trustee begin new allegations regarding money not
12 turned over to the Bankruptcy estate. [EXHIBIT B]. Debtor responded [EXHIBIT E]. And
13 this is the matter to be heard on August 23, 2018.

14 As debtor's request for additional time [EXHIBIT C] and response [EXHIBIT E]
15 aver, debtor has done all he could to assure the Trustee that there are no monies
16 belonging to him in Singapore or Australia. Debtor has further offered to conduct more
17 personal investigation by going to those countries to investigate.

18 Debtor still believes personal investigation is the correct approach, because
19 bank privacy laws constrain and limit the amount of information which will be released
20 to anyone who is not the actual person whose financial affairs are being discussed.

21 **2. Immediate and Irreparable Harm and Damage to Occur on 8-23-2018**

22 Debtor never imagined the extent to which innuendo and implication have had
23 such an immense effect on Judge McKittrick's attitudes towards him. Debtor concedes
24 that the matters demonstrated in the November 2017 conversion motion showed defects
25 in debtor's reporting. Thereafter debtor took immediate steps to rehabilitate reporting
26 and to make certain that what was stated was truthful and segregated out his wife's
27 property.

Debtor was, and is still, hopeful that he will soon emerge from Bankruptcy rehabilitated, with all debts paid and in full appreciation of the second chance for financial success he has been given.

As enumerated in debtor's declaration there are a multitude of demonstrations of bias and potential unfairness by Judge McKittrick which now make the likelihood of any positive outcome for debtor impossible.

This was further demonstrated when debtor attempted to recuse Judge McKittrick [EXHIBIT F]. Rather than allow another judicial officer to examine the situation, Judge McKittrick denied the recusal motion himself [EXHIBIT G].

A close reading of Judge McKittrick's, **UNVERIFIED STATEMENTS**, articulate a self-confidence which overwhelms objectivity (IE, the purpose of 28 USC 144 is to make certain that the recusal analysis is not hampered by a judge's own vanity). Also, while the rule of *Liteky v. United States*, (1994) 510 U.S. 540, makes decisions in a case an improper basis for recusal, that rule does not reach the issue, as herein, of what is to be done when a judicial officer **forces decisions** and outcomes to be what he wants them to be.+ That is, to make the case come out the way he wants it to. *Liteky* also does not consider a judicial officer who compounds improper decision metrics, by continuing, as here, without let-up, adverse decisions against one party based solely on scorn and hatred.

Debtor contends that it is Judge Mc Kittrick's lack of objectivity which is now hampered by an acquired prejudice towards debtor which is the essential good cause for withdrawing Judge McKittrick's further ability to participate in this Bankruptcy.

On these facts of the Bankruptcy court's lack of impartiality, objectivity and bias, the immediate threatened event which needs restraint is the contempt hearing of 8-23-2018 [EXHIBIT B].

1
2 **The irreparable harm of which debtor is fearful is that the outcome of that**
3 **hearing will be that debtor is found in contempt. Then, for all time, debtor's**
4 **credibility, trustworthiness, perceived character and standing before this Court,**
5 **and every other court in which he appears, will be reduced to that of a litigant who**
6 **is mistrusted, not respected and disbelieved as to all matters.** Thereafter adverse
7 outcomes to everything which debtor advocates would be assured.
8

9
10 **5. MEMORANDUM**

11 The United States Supreme Court's essential interpretation of injunctions is
12 applicable to this case: to prevent irreparable harm and to preserve this Court's ability to
13 render a meaningful decision when all of the facts are fully developed. *Rondeau v.*
14 *Mosinee Paper Corp.* (1975) 422 U.S. 49 accord *Canal Authority v. Callaway* (1974) 489
15 F.2d 567.

16 Here, debtor has explained his fearfulness of the impact of a contempt citation
17 against him. The irreparability of the harm of never again being perceived as credible
18 debtor describes is precisely what case law understands as injury and harm for which
19 there is no adequate monetary compensation. *Glasco v. Hills* (1977) 558 F.2d 179. In
20 other words, once debtor's credibility is besmirched and labeled with a contempt citation,
21 he will never be believed again, in this Court or anywhere else.

22 Furthermore, the test for grant of an injunction is the gravity of the harm to the
23 petitioning party versus inconsiderable and non-existent injury to the contra party. *Ohio*
24 *Oil v. Conway* (1929) 49 S.Ct. 256. Here, debtor would be deprived of all further
25 believability in this case as well as all cases in which he may ever participate. On the
26 other hand, there is no harm to the Bankruptcy court or the Trustee to wait while the
27 issues are more fully developed in this Court.

1
2 Thus, the balance of the equities weigh in favor of allowing the entire of the
3 Bankruptcy case to proceed further in this Court for a more thorough and unbiased
4 examination and resolution.

5
6 **a. This is Also an Application for a Writ of Prohibition**

7
8 Debtor has considered the fact the because the relief he seeks is from the
9 District Court to the Bankruptcy Court, that the correct remedy may be a Writ of
10 Prohibition.

11 However, in the event that debtor has sought the wrong relief, this Court has
12 general equitable powers to grant injunctive relief so as to make more effective any
13 available remedy provided by law. *Bateman v. Ford Motor Co.*, (1962) 302 F.2d 63. That
14 is, if debtor has articulated the wrong method to enjoin the Bankruptcy court's actions,
15 this Court has the power to provide and grant that remedy which the facts allow.

16 This Federal Court has broad power to restrain acts which are of the same
17 type or class as the court finds may occur, unless enjoined or which may be fairly
18 anticipated. *Hillsborough Inv. Corp. v. Securities and Exchange Commission*, (1960)
19 276 F.2d 665. In other words, if debtor has articulated his fears correctly, then this Court
20 is empowered to act regardless of debtor's inarticulate prayer for relief in naming that
21 relief.

22 A similar holding states that a Federal Court issuing an injunction has the
23 inherent power of equity to make that injunction effective so as to prevent the frustration
24 of the affirmative relief requested. *Lester v. Parker*, (C.A.9 (Cal.) 1956) 235 F.2d 787,
25 Debtor seeks relief from a threatened action he has articulated, regardless of the name
26 of the relief by which this Court may grant relief.

6. Declaration of Peter Szanto

1. My names is Peter Szanto, I am the appellant / debtor / petitioner herein.
2. This is my truthful declaration regarding the necessity for an order of restraint of proceedings regarding this matter in the Bankruptcy court.
3. I began this case Bankruptcy in August 2016, believing that I could successfully represent myself in my Chapter 11 reorganization.
4. As the months passed, I realized I was over-matched by the counsel opposing me.
5. One strategy used against me by the creditors and adversary proceeding defendants has been simultaneously to file several lengthy and complex motions against me.
6. Because of the Bankruptcy courts short 2 week response time (and my lack of the electronic filing privilege, which effectively reduces my time to respond by four days to allow for mailings), I quickly found myself unable to continue work-as to my occupation -- so as to file responses promptly.
7. As matters got out-of-control, Judge McKittrick would not stay proceedings when I prayed time to seek Bankruptcy counsel.
8. My efforts to obtain counsel (starting in July 2017, a year into my Chapter 11 reorganization) were very difficult.
9. For the most part, Portland attorneys simply did not want to enter a case where the judge had already formed an opinion and where the case had likely been mis-handled by me.

1
2 10. I spoke with at least 20 Portland Bankruptcy specialists.

3
4 11. The closest I was able to come to securing counsel was making an agreement
5 with attorney Thomas Stilley who was willing to commence the case in exchange
6 for \$100,000 (as a starting retainer). However, I was on my own as to securing a
7 stay until Judge McKittrick approved Mr. Stilley's entry into the case.

8 12. Judge McKittrick was un-persuaded to allow a stay and Mr. Stilley was not
9 willing to begin representation by seeking a stay without compensation.

10 13. During the November 2017 trial regarding conversion, as I endured 10 hours of
11 examination by the U.S. Trustee and many of the creditors' counsel, I repeatedly
12 asked for breaks so that I could at least telephone non-Oregon attorneys with
13 whom I am acquainted for assistance.

14 14. Judge McKittrick denied all of these requests.

15
16 15. Likewise during that conversion trial, I repeatedly asked for and was denied
17 counsel to assist me during the time I was being examined as a witness.

18 16. After conversion of my case to Chapter 7, I have repeatedly asked for funds
19 from my Bankruptcy estate to secure counsel, but Judge McKittrick has denied
20 my every request.

21
22 17. Based on this concrete and continuing fact of not allowing me counsel, I believe
23 Judge McKittrick seeks to make certain that I am forced to be even more
24 unprepared and unable properly to pursue this Bankruptcy.

25 18. I believe a compelling reason to withdraw the Bankruptcy reference is to allow
26 me opportunity to secure counsel so that I am not further disadvantaged in this
27 action.

1
2 19. Another compelling reason to enjoin Bankruptcy court proceedings is that any
3 question regarding funds on deposit at a bank in Singapore or Australia should
4 be handled by direct inquiry at those banks in Singapore or Australia.

5 20. Considering all banks efforts to maintain security, it is wrong to believe that
6 any Singapore or Australian bank would provide information by telephone or
7 computer without absolute certainty of the person to whom information is being
8 released.

9 21. To that end of determining exactly what may be transpiring debtor regarding
10 alleged Singapore or Australia bank accounts, I believe direct investigation is
11 prudent and will serve to resolve matters far more expeditiously than the
12 Trustees speculations about matters of which even I am not certain.

13 22. The issue regarding potential Singapore or Australia bank accounts revolves
14 around Singapore or Australia currency trading which I know to a certainty and
15 contend occurred automatically after I no longer had access to my United States
16 bank and brokerage accounts.

17 23. Certain computer programs which I developed driven by econometric modeling
18 went offline when the Trustee barred my access to my bank and brokerage
19 accounts.

20 24. Thereafter, transactions occurred without any action from me, because certain
21 parameters for trade initiation occurred.

22 25. One parameter was an instruction set to buy Singapore and Australian dollars
23 when certain United States securities declined by certain amounts.

24 26. I believed at the time I when set-up these programs that the Singapore or
25 Australia currency transactions would occur in the United States.

1
2 27. I still believe transactions occurred in the United States, but as soon as I was
3 alerted that money belonging to me was in Australia, I immediately delivered it to
4 my Bankruptcy estate. And confirmed *via* telephone that there was no money
5 belonging to me in Singapore.

6 28. To reiterate, if there is any doubt as to this issue, I am prepared to investigate
7 it by a personal trip to Singapore and Australia.

8
9 29. My contentions regarding Judge McKittrick's decisions against me, derive
10 not merely from the fact that I contend many decisions have been in error
11 (which I am pursuing as required, by the appeals herein), but because many
12 determinations have been made without considering the evidence I have
13 presented and without completely evaluating testimony I have given.

14 30. Thus, my contentions regarding bias contend, among other things that
15 Judge McKittrick's interpretations rely on incomplete analysis of facts, evidence
16 and law which I have presented and which were denied admission as evidence.

17 31. In other words, Judge McKittrick likely looks at my papers (however briefly) and
18 merely presumes that because I am not a lawyer, that my materials and briefing
19 have no merit; and then puts my pleadings to the side without any consideration
20 at all!!

21 32. In January 2018, after a month of being in Chapter 7, I was without money
22 and unable to work because of the demands of the Trustee for disclosures and
23 records and efforts to calm my wife regarding the destitution nightmare into
24 which we had fallen.

25 33. Susan Szanto, my wife was constantly raging at me because she believed that
26 it was my fault that her assets were seized without notice and without any
27 opportunity for her to object.

1
2 34. I filed papers with Judge McKittrick which revealed the fact that a highly
3 praised psychiatrist had diagnosed me as suicidal. [EXHIBIT H, pp A-C].

4
5 35. Judge McKittrick simply had no mercy for my terrible medical crisis.

6
7 36. It is axiomatic that American law has always been tempered with mercy, alas
8 in Judge McKittrick's court, there is no mercy.

9
10 37. Now, with opportunity for Judge Simon to take consideration of the matters,
11 by complete withdrawal of the Bankruptcy reference, I am hopeful that matters
12 will proceed more rationally as to completion of my Bankruptcy relief.

13 I declare under penalty or perjury under the laws of the United States that the
14 foregoing is true and correct. Signed at Irvine CA.

15 **7. Conclusion**

16
17 For the emergency situation explained here, which threatens irreparable
18 harm, debtor prays that this Court immediately stay proceedings in the Bankruptcy Court
19 until the exceptional good cause for complete withdrawal of the Bankruptcy reference
20 is decided.

21 Respectfully,

22 Dated 8-21-2018 /s/ signed electronically Peter Szanto
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Proof of Service

My name is Maquisha Reynolds, I am over 21 years of age and not a party to the within action. My business address is PO Box 14894, Irvine CA 92623. On the date indicated below, I personally served the within: **Emergency Motion** by e-mail to contra parties at:

nhenderson@portlaw.com

Bank of America's Portland counsel, Mr. Laurick, by email to:

jlaurick@kilmerlaw.com and **tparcell@kilmerlaw.com**

and by 1st Class Mail, in a sealed envelope with postage prepaid to:

1) JPMorgan Chase Bank's Portland Counsel:

Tim Cunningham at Davis Wright Tremaine
1300 SW Fifth Avenue, Suite 2400, Portland, OR 97201

2) United States Bankruptcy Court

1001 SW Fifth Avenue # 700, Portland OR 97204

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Signed at Irvine CA.

Dated 8-21-2018 /s/ signed electronically

PETER SZANTO 949-887-2369
11 Shore Pine
Newport Beach CA 92657

US BANKRUPTCY COURT
DISTRICT OF OREGON

2018 MAY -1 AM 11:31

United States Bankruptcy Court

in and for the District of OREGON

1001 SW 5th Av., Portland OR 97204

LOGGED RECD
\$181.00
PAID BY CHECK

In Re Peter Szanto

Adversarial # 16-ap-3114

core case:16-bk-33185-pcm7

Debtor

Plaintiff's Notice of Motion and Motion

Seeking Bankruptcy Judge's

Recommendation for Withdrawal of

District Court Referral to Bankruptcy

Division for Further Proceedings in

the United States District Court

=====
Peter Szanto, Plaintiff

vs.

Evye Szanto, et al,

Defendants

(This Application Does

Not Waive California

District Court's Jurisdiction

over this Matter)

\$181 US Postal Money Order is attached hereto.

16-bk-33185

Withdraw Reference – pg. 1

1
2 **1. Plaintiff's Certification Relating to Pre-filing Conferral**
3 **(Certification Pursuant to LBR 7007-1(a))**
4

5
6 Plaintiff telephoned Adversarial Proceeding defendants' counsel Mr.
7 Henderson on 3-20-2018 to discuss the matters presented herein. The call
8 went to voice mail. To Mr. Henderson's voice mail, plaintiff requested a
9 return call, to discuss the matters herein.

10
11 As of the signing of the instant paper, debtor has received no
12 further communication from Mr. Henderson regarding this application.
13

14
15 Thus, pursuant to rule, debtor has diligently sought conferral so as
16 to resolve the situation, but has been unsuccessful in that regard. Very
17 specifically, after 41 days of waiting to discuss the significant matters
18 herein; the opposition simply could not be bothered with communicating
19 with plaintiff.

20
21 I certify under penalty of perjury under the laws of the United States,
22 that foregoing is true and correct. Signed at Lido CA.

23 DATED 4-30-2018 _____/s/  Peter Szanto
24

2. Introduction

May it please this Honorable Bankruptcy Court, comes now debtor, Peter Szanto, praying that this Court recommend to the U.S. District Court in and for the District of Oregon that the Bankruptcy Referral in this adversarial proceeding be withdrawn such that the matters enumerated below may proceed in the U.S. District Court.

Debtor's contention is that the Bankruptcy reference has already ended and that a parallel case is already proceeding in the California U.S. District Court. This present motion seeks merely to ratify that fact such that: 1) plaintiff need not further be hampered by proceeding in two separate courts upon the same issues and 2) such that party Susan Szanto is not adversely affected by any decision in this Court.

The Oregon District Court's Bankruptcy reference to this Court derives from the US District Court in Oregon's Local Rule 2100-1(a). The referral of the Oregon District Court need be withdrawn prior to bringing a change of venue application to transfer and consolidate proceedings in California.

Plaintiff's argument is that defendants, with this Court's approval, commenced unnecessary proceedings in the California District Court. That process unilaterally destroyed the Bankruptcy Referral because:

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2 1) it proceeded in the District Court rather than the Bankruptcy Court
3 and 2) defendants' actions were solely for the purpose of obtaining
4 costs and fees based on false and fraudulent never-served notice to
5 Susan Szanto¹ – actions which need be punished as attorney abuse of
6 process by the California District Court wherein these events occurred.²

7 1. *The first issue here is that the avowed purpose of taking Susan Szanto's*
8 *deposition regarding Victor Szanto's assault upon Susan could have been*
9 *accomplished at any time in the California Superior Court, where that action is*
10 *proceeding with merely a 1st class mail Notice of Deposition. However, as this*
11 *Court has hopefully realized, defendants' **custom and habit** is to fabricate and*
12 *intentionally falsify discovery events so that they can garner attorney's fees.*
13 *(This occurred in the present case when plaintiff was not served with the initial*
14 *discovery requests and defendants counsel was able to convince this Court of*
15 *actual service.) Similarly, defendants parlayed theatrics on this Court regarding*
16 *Susan Szanto not appearing for her deposition, when, in fact, Susan was never*
17 *served. These theatrics garnered defendants immense solicitude from this Court,*
18 *because this Court had already become biased against plaintiff – and so it was*
19 *easy, a real cinch, to be biased against Susan Szanto as well!*

20 2. *Defendants have asked the California District Court for \$40,758 of costs and fees*
21 *[EXHIBIT A, p.2]. Susan Szanto has responded and asked that the District Court*
22 *punish defendants counsel for abuse of process and falsification of the entire*
23 *issue of personal service. Susan Szanto contends that it is defendants' modus*
24 *operandi to falsify and unnecessarily to complicate discovery matters (as with*
25 *Requests for Denials, 2-Unlicensed court reporters and bizarre conversations*
26 *about meta data in this Court) **solely to gain unfair advantages and score***
27 ***unjustified fees based on falsified pleadings regarding discovery.***

As will be more full explained momentarily, debtor contends that Susan Szanto's joinder as a plaintiff in the instant action is one principal reason necessitating the District Court's full and complete assertion of jurisdiction over this case. Alternately there will need to be one, or more, duplicated proceedings in California for Susan Szanto alone.

Additionally, the Oregon Bankruptcy Court has totally ceased to be objective in its decision making. This has created a situation wherein debtor Peter Szanto's positions are no longer afforded ANY due process or impartial consideration, because the Bankruptcy Court has long ago decided that whatever debtor Szanto advocates is wrong, a lie or unsupported by law (or is merely another terrible aspect of Szanto's horrible and wretched demeanor.).

3. Essential Facts

This adversarial proceeding, must, as a matter of law, be adjudicated in the District Court. This is true because of the absolute, exceptionally essential and fundamental mandate of 28 U.S.C. § 157(d) which requires that when "resolution of the proceeding requires consideration of both title 11 and other laws of the United States regulating organizations or activities affecting interstate commerce" the matters must revert to the District Court.

1
2 Events, not of debtor's making, now require reversion, because
3 non-Title 11 matters affecting interstate commerce have become very
4 significant to the outcome of this action, as described *infra*.

5
6 **a. Analysis of Governing Legal Principles**

7 Congress vested all original jurisdiction over bankruptcy cases in
8 the United States District Court. 28 U.S.C. § 1334(a). Congress further
9 provided that the District Court could refer all cases in bankruptcy and any
10 and all proceedings arising under, in, or related to cases in bankruptcy, to
11 the Bankruptcy Court. 28 U.S.C. § 157(a). Accordingly, until and unless the
12 reference of jurisdiction to the Bankruptcy Court is withdrawn by an Order
13 of the District Court, all jurisdiction over a bankruptcy matter resides with
14 the Bankruptcy Court. Herewith and hereby, plaintiff explains the various
15 reasons and the good causes why this Court should recommend that the
16 District court withdraw its referral so as affirmatively to assert jurisdiction
17 over all of this adversarial proceeding.

18 **b. Statutory Rule Provisions**

19 **With Respect to Withdrawal of Reference**

20 28 U.S.C. § 157(d) provides as follows:

21 "The district court may withdraw, in whole or in part, any
22 case or proceeding referred under this section, on its own
23 motion or on timely motion of any party, for cause shown.
24 The district court shall, on timely motion of a party, so
25 withdraw a proceeding if the court determines that
26 resolution of the proceeding requires consideration of both
27 title 11 and other laws of the United States regulating
28 organizations or activities affecting interstate commerce."

16-bk-33185

Withdraw Reference – pg. 6

1
2 As set forth in 28 U.S.C. § 157(d), the District Court has the authority
3 to withdraw the entire bankruptcy case, or any part thereof, or any
4 proceeding in the bankruptcy case or part thereof. The District Court can
5 exercise its authority to withdraw cases or proceedings on its own motion
6 or on timely motion of any party, for cause shown.

7
8 **28 U.S.C. § 157(d) also provides for what must be called**
9 **mandatory withdrawal of the reference.** The mandatory requirement of
10 the rule arises pursuant to the second sentence of § 157(d), the District
11 Court **shall**, on timely motion of a party, withdraw a proceeding if the court
12 determines that resolution of the proceeding requires consideration of both
13 the Bankruptcy Code and other federal laws regulating organizations or
14 activities affecting interstate commerce.

15 The absolutely mandatory nature of the rule is made clear by the
16 Congress' use of the essential and imperative word **"shall."**

17
18
19 **c. Local Rule Grounds and Timeliness**

20 The Oregon District Court's Local Rule 2100-4 allows withdrawal
21 of the Bankruptcy Court reference upon recommendation of a Bankruptcy
22 judge. This local rule is neither governed, nor predicated, upon any finite
23 timeframe, presumably so that --- as demonstrated by the events herein --
24 when events arise during the course of proceedings which necessitate
25 withdrawal of the reference, this Court may make a decision at a time, and

1
2 **as in the present circumstances**, when ultra clearly and very necessarily
3 demanded by the facts. This application for withdrawal of the reference is
4 directed to the Bankruptcy Court based upon new occurrences in this
5 adversarial proceeding.

6
7 The newly occurring events which have affected this adversarial
8 proceedings arise from the following events: 1) Defendants in this case
9 commenced a companion proceeding in the US District Court in California
10 [EXHIBIT B]. 2) That proceeding was a motion in violation of FRCP 11 by
11 which this Court allowed defendants' counsel Mr. Henderson to fabricate
12 false service in an effort to secure Susan Szanto's incarceration for
13 contempt.³ 3) Susan Szanto filed Notice of Joinder in the adversarial
14 proceeding in this Court (Docket 334) and in the District Court [EXHIBIT D];
15 4) Susan Szanto has filed a claim in the instant core bankruptcy regarding
16 real property she owns as part of her community property estate with
17 debtor [EXHIBIT C].

18 *3. In actuality, Susan Szanto's deposition could have been had at any time under*
19 *the California state proceeding by means of a 1st class letter containing a Notice*
20 *of Deposition. **Mr. Henderson's issuance of a subpoena was merely barratry***
21 ***masquerading as theatrics seeking purposefully and improperly to***
22 ***hornswoggle this Court into believing there was no alternate manner in***
23 ***which to secure Susan Szanto's testimony.** Additionally, at the deposition Mr.*
24 *Henderson spent several hours questioning Susan Szanto about her bank*
25 *accounts, her finances and her participation in the Yankee Trust Corp. That*
26 *inquiry, as more fully explained below, by affecting interstate commerce (IE, the*
27 *Massachusetts Corp. that is the Yankee Trust, as well Susan Szanto's various*
28 *interstate commercial bank relationships), the mandatory aspects of 28 U.S.C. §*
157(d) have now been intentionally invoked and become part of the 16-3114
*action. **SEE BELOW FOR BROADER APPLICATION OF THESE FACTS TO THE***
LAW!!

1
2 5) When the adversarial proceeding regarding improper acts in Nevada's
3 courts was filed, it was not known that the true, actual cause of action
4 related entirely to defendants Victor, Anthony and Evye Szanto improperly
5 and impermissibly influencing judicial officers in Nevada so as to impair
6 Peter Szanto's Bankruptcy relief entitlement (which, *de facto* and *de jure*)
7 clearly and necessarily affects Susan Szanto's creditor's claims. Now, that
8 the defendants' actions in Nevada are sought to become part of this action,
9 the matter should properly be in the District Court, because it relates to a
10 dispute between citizens of different states regarding bribery, or other
11 influence or corruption of state judicial officers so as to impair and (attempt
12 to confound) the with wholly Federal Bankruptcy proceeding and
13 thereby defeat Peter and Susan Szanto's civil rights.

14
15 **4. Memorandum**

16 **a. Defendants' Nevada Actions Against Plaintiff and Usurped**
17 **Money and Property in Nevada**

18
19 Debtor is asking the Court to examine the true nature and current
20 status of the instant adversarial proceeding commenced by plaintiff. The
21 goal is for this Court to recognize that the mandate of 28 U.S.C. § 157(d)
22 requires that adjudication of this case must occur in the District Court.

23
24 Defendants undertook two nefarious and improper strategies to
25 affect the proceedings herein.

1
2 Defendants' first strategy was to approach two judges of the
3 Courts of Nevada purposefully to render decisions in favor of defendants
4 which intentionally thwarted Nevada law and Peter Szanto's ability to
5 pursue bankruptcy relief and likewise impaired Peter Szanto's ability to
6 conduct discovery of any type in Nevada.⁴

7
8 Defendants' efforts to influence judicial officials, which are likely
9 bribery of courts and judicial officials in Nevada, is a clear aspect of why
10 this action must now be mandatorily returned to the District Court. Also, the
11 potential for bribery of judicial officials creates very ample likelihood
12 that defendants counsel facilitated, suggested, and suborned that bribery.

13 These facts now require adjudication of "title 11 and other laws of
14 the United States regulating organizations or activities affecting interstate
15 commerce." (28 U.S.C. § 157(d)). The non-title 11 law which is implicated
16 is 42 USC § 1983: Peter Szanto was sought to be deprived of complete
17 Bankruptcy relief by Nevada judicial officials granting unwarranted relief

18
19 ***4. The Court will recall that defendants' strategy was to enjoin debtor's ability to***
20 ***conduct litigation. There is ample and convincing evidence that this strategy was***
21 ***undertaken by Victor and Evey Szanto at the behest of -- and upon the***
22 ***instruction of -- their counsel. The intent was to stymie not just the adversarial***
23 ***proceeding, but debtor's entire bankruptcy by defendants creating TWO***
24 ***additional cases in Nevada. Defendants success in that endeavor contributed to***
25 ***debtor's still incomplete discovery in the adversarial proceeding herein.***

1
2 from defendants fabricated violence claims which directly constrained
3 Peter Szanto's 11 USC § 362 stay as well ability to conduct discovery in
4 Nevada to gather evidence for the instant adversarial proceeding.

5
6 Furthermore, the grant of sham violence relief in Nevada clearly
7 impaired Peter Szanto's ability to go to Nevada so as properly to conduct
8 discovery of non-party witnesses who would testify to defendants' activities
9 in abrogation of Peter Szanto's rights to his own property.⁵

10
11 The organizations affected thereby were Peter Szanto's estate in
12 Bankruptcy as well as the various operating companies which Peter Szanto
13 used in the creation of income. Susan Szanto's many interstate constraints
14 relate to the Yankee Trust Corp (a Massachusetts Corp. of which she is
15 director and shareholder since 2014) the interstate activities of which have
16 been affected by defendants and their counsel. Additionally, another
17 organization affected in its interstate endeavors is the Community Property
18 Estate of Peter and Susan Szanto which is severally impaired to obtain
19 complete discovery regarding the California U.S. District Court proceeding
20 as well as obtaining essential Nevada discovery in both actions initiated by
21 the defendants in that state court proceeding.

22 ***5. Another reason defendants obtained their sham violence order in Nevada***
23 ***is so that Peter Szanto's Nevada discovery efforts and Nevada evidence***
24 ***acquisition efforts in Nevada could potentially be labeled stalking.***

1
2 Further interstate commerce affected by the sham restraining
3 order in Nevada has been Peter Szanto's ability to continue his various
4 business activities in Nevada related to his farrier and equine health
5 businesses. Further impact on interstate commerce has been Peter
6 Szanto's inability to obtain real property and commercial documents
7 relating to defendants' Nevada business activities undertaken with Peter
8 and Susan Szanto's money and property (IE, being able freely to travel in
9 Nevada to the Nevada Secretary of State's Office and various county
10 recorder and assessor's offices to secure further evidentiary materials).⁶

11
12 All these matters, and others not listed here, need be adjudicated
13 in the District Court, because the complexity and nature of harm which the
14 defendants have caused Susan and Peter Szanto is outside the bounds of
15 solely Chapter 11 adjudication and is interstate commercial activity.

16
17 **b. Action Regarding Victor Szanto, et al.**

18
19 Since the Szanto family disputes began in 2005, Susan Szanto
20 has done nothing to favor either her husband (Peter) or her brother-in-law
21 (Victor). Susan has sought consistently to make whatever efforts she
22 possibly could to help resolve family rancor and to end family strife.

23 ***6. Plaintiff's ability to travel in Nevada was impaired, because the***
24 ***restraining order against plaintiff is still active in Nevada.***

1
2 Susan's only active participation in family matters had been,
3 through intense personal prayer, beseeching the all-mighty to bring peace
4 to family quarrels.

5
6 Only after being assaulted by Victor Szanto and his pistol, did
7 Susan taken the very prudent step of obtaining a restraining ORDER
8 against Victor Szanto. Susan Szanto requested no other relief from than
9 protection. Having obtained protection, Susan was not motivated either to
10 join the action or to seek vengeance (E.G., a firearm arrest and / or
11 immediate suspension of Victor's medical license).

12 However, as the facts demonstrate, nothing but vindictiveness, spite
13 and retribution are upon the minds of the defendants and their various
14 despicably amoral counsel.

15 For these reasons, Susan Szanto joined in Peter Szanto's claims
16 against the defendants. [EXHIBIT D]. Importantly, Susan Szanto joined the
17 action in the California District Court forum selected by the defendants [IE,
18 defendants' choice of the District Court rather than the Bankruptcy Court
19 was unilateral rejection of the Bankruptcy reference by the defendants.]
20

21 Now that this matter is proceeding in the California District Court,
22 this Court should not compound complexities herein by re-establishing its
23 own duplicate jurisdiction which the defendants themselves vacated by
24 pursuing in the District Court a deposition which should have been
25 taken in state court without the need for personal service.

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1. Susan Szanto's Claims

Black's Law Dictionary 5th Edition explains that an organization includes: corporations, business trusts, estates, trusts, partnerships, or any **association of two or more persons having a joint or common interest or any other legal or commercial entity.**

Peter Szanto and Susan Szanto have had a multitude of common and joint and community interests both legal and commercial, during the past 40 years. The most significant of these is the organization which is their **Marital Community Property Estate**. That Community Property estate has lost a significant portion of its wealth and assets due to fraudulent transfers and other ultra despicable and nefarious actions by the defendants.

Peter and Susan Szanto's Marital Community Property Estate's interstate commercial activities have been affected by the defendants' fraudulent transfers which have deprived the Community Property Estate of its assets, money and property.

Upon this basis, mandatory return of this action to the District Court is necessary, because the **Marital Community Property Estate's interstate commercial activities have been intentionally adversely impaired.**

1
2 **2. The Yankee Trust is a Massachusetts Corp. Conducting Interstate Business**

3
4 There are multiple reasons why Victor Szanto, *et als*, actions have
5 affected the Yankee Trust's interstate activities. First, during the
6 deposition of Susan Szanto, Mr. Henderson made the Yankee Trust his
7 number one topic of concern and questioning. Many questions regarding
8 the Yankee Trust Corp., a Massachusetts Corp., interstate activities have
9 been intentionally dragged into the 16-3114 adversarial action by the
10 defendants. Thus, as a matter of law, "title 11 and other laws of the United
11 States regulating organizations or activities affecting interstate commerce"
12 (28 USC 157) **must** now be considered in the final resolution of the
13 adversarial proceeding, because defendants themselves "opened the door"
14 regarding this interstate commercial activity.

15 **3. Interstate Affect on Susan and Peter Szanto Marital Community**

16 One of the claims in the 16-3114 complaint is that Victor Szanto,
17 *et al.*, made fraudulent **interstate** transfers money and property belonging
18 to Peter Szanto from California to Nevada. By joinder to this action, Susan
19 Szanto now makes claim against upon that usurped and expropriated
20 property as her own community property asset.

21 The Title 11, as well as non-Title 11 claims regarding interstate
22 activities of that organization known as the Peter and Susan Szanto Marital
23 Community must necessarily be adjudicated in the United States District
24 Court to obtain complete relief and recovery from the **Interstate**
25 **Fraudulent Transfers** carried out by the defendants. (28 USC 157)

1
2 **d. Legal Analysis / This Court Also Lacks Jurisdiction**

3
4 **Neither Susan Szanto (individually) nor Susan Szanto (as an**
5 **owner of ½ of the un-divisible Community Property Estate with Peter**
6 **Szanto in the action proceeding in California's Family Court) nor**
7 **Susan Szanto (as plaintiff in the California Central District proceeding**
8 **versus Victor Szanto, et al) nor the Yankee Trust Corp are debtors in**
9 **any Bankruptcy action!!** Therefore, this Court's jurisdiction cannot extend
10 to Susan Szanto or the entities in which she is an active actor and an active
11 participant in the actions enumerated above.

12 This Court's jurisdiction is separate and distinct from that of the US
13 District Court, the Nevada state court and the California Family Court AND
14 is limited to Bankruptcy. Neither Susan Szanto (in any of her various
15 permutations) nor the Yankee Trust Corp. are in Bankruptcy and this Court
16 cannot extend its limited Bankruptcy jurisdiction to destroy, raze, impair nor
17 negate the rights of entities outside the bounds of its jurisdiction. *U.S. v.*
18 *Huckabee* (1986) 783 F.2d 1546.

19
20 This honorable Bankruptcy court lacks any and all jurisdiction over
21 controversies involving claims wherein a non-debtor or her property (IE,
22 Susan Szanto) or controversies wherein the non-bankrupt has no liability
23 to creditors or their interests. *Nixon v. Michaels*, (1930) 38 F.2d 420
24 accord *In re Burton Coal Co.*, (1942) 126 F.2d 447 accord *In re Lubliner &*
25 *Trinz Theatres* (1938) 100 F.2d 646.

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Withdraw Reference – pg. 16

1
2 In this plea for withdrawal of the Bankruptcy reference, this Court
3 should recommend withdrawal of this adversarial proceedings, so that
4 Susan Szanto's rights will not be impaired and because any decision
5 without consideration of Susan Szanto's rights will necessitate that the
6 entire proceeding will need to be re-litigated in its entirety in the proper US
7 District Court, in diversity, in any event!!!!

8 **e. Permissive Aspects of 28 USC 157(d)**
9

10 28 USC 157(d) also allows for withdrawal of the Bankruptcy
11 reference **"for cause shown."**

12 Very good cause for withdrawal of the reference is also that the
13 presiding judge has become **woefully, irreparably and un-reasonably**
14 **biased, prejudiced and unfair** towards Peter Szanto and his positions.
15

16 This has been demonstrated in a multitude of decisions made by
17 Judge McKittrick.

18 Some, (this list is not exhaustive) of these extremely egregious
19 demonstrations of bias are:

- 20
21 a) Judge McKittrick's believes that all attorney statements and argument are holy-
22 writ. Judge McKittrick has, all to Peter Szanto's detriment, embraced attorney
23 statements and argument as the equivalent of sworn testimony irrespective of
24 the fact that said statements were mere hearsay and factually un-proveable.
25 Attorneys opposing Peter Szanto have thrived on these circumstances to make
26 ever increasing outrageous statements to Peter Szanto's detriment.

- 1
- 2 b) Judge McKittrick has allowed hearsay testimony by persons who had no possible
- 3 way of knowing actual facts other than by being told to what to testify. This
- 4 occurred when Chase's professional witness was allowed to testify to facts not
- 5 within her knowledge and also when a person anxious to keep his job testified
- 6 for the Department of Justice regarding listening to a tape recording of Szanto.
- 7 c) Judge McKittrick has suspended all discovery limitations for Victor Szanto, *et al*,
- 8 while at the same time ending discovery for Peter Szanto 8 months ago. This has
- 9 been to Szanto's immense detriment because Szanto can not even obtain
- 10 responses to subpoenas.
- 11 d) Judge McKittrick has not allowed Peter Szanto to have the electronic filing
- 12 privilege, even though every other court in which Peter Szanto is proceeding
- 13 allows him to have that ECF filing ability.
- 14 e) Judge McKittrick has not enforced discovery rules against Bank of America and
- 15 so Peter Szanto has been unable to prepare his Motion for Summary Judgment,
- 16 **because he has been deprived of the fundamental right to discovery and**
- 17 **discovery enforcement by Judge McKittrick.**
- 18 f) The first discovery set allegedly propounded by Mr. Henderson was never
- 19 served. The due date of that discovery coincided with Victor Szanto's assault on
- 20 Susan Szanto. Irrespective that lateness was necessitated by Peter Szanto
- 21 taking affirmative action to mitigate further possibility of attack, Judge McKittrick
- 22 punished Peter Szanto's lateness (even though prevention of Susan and Jakkob
- 23 Szanto's deaths were the sole reasons for that lateness.)
- 24 g) Judge McKittrick comments regularly on his dislike of Peter Szanto's demeanor.
- 25 Peter Szanto's demeanor is simply that of an old man over which Szanto has
- 26 limited control (Szanto's demeanor could not even be fixed by cosmetic surgery).
- 27 Indeed, Judge McKittrick's animosity is nothing other than irrational projection of
- 28 what a beautiful and idealized demeanor ought to be. Indeed, it is not but
- appearance discrimination against the un-beautiful.

- 1
- 2 h) Judge McKittrick has often commented in-the-abstract as to Peter Szanto's
- 3 credibility without identifying any actual instances. This pattern of judicial conduct
- 4 merely allows attorneys opposing Szanto to make unreasonable and immaterial
- 5 attacks (in the guise of credibility) as jingoistic slurs which are unrelated to
- 6 anything of relevance save to create more animosity towards Peter Szanto.
- 7 i) Numerous times Judge McKittrick has denied Peter Szanto's right to the
- 8 assistance of counsel. Judge McKittrick has stated that Szanto could obtain
- 9 counsel, but would not stay proceedings while Szanto secured counsel. Now,
- 10 every attorney in Portland knows that if they should dare to assist Szanto, their
- 11 own credibility and demeanors before Judge McKittrick will be irredeemably
- 12 destroyed for all other cases.
- 13 j) Judge McKittrick would not enforce Peter Szanto's subpoena directed to Victor
- 14 Szanto, *et al.* This sends a message to defendants that they simply do not need
- 15 to comply with any process issued by Peter Szanto, because Judge McKittrick
- 16 will not enforce even the basic rules necessary for Peter Szanto to prevail.
- 17 k) At the 11-28-17 hearing, materials were proffered by Mr. Kukso prior to being
- 18 reviewed by the Judge in New Jersey. Judge McKittrick allowed these materials
- 19 into evidence. After the hearing, Judge McKittrick's clerk, Ms Smith, forcibly took
- 20 those papers away from Szanto. Ms Smith would not have acted other than on
- 21 Judge McKittrick's order; that is, Judge McKittrick intentionally made certain that
- 22 materials proffered at a hearing were unavailable for review.
- 23 l) Victor Szanto admitted at his deposition that he had "boxes boxes and boxes" of
- 24 relevant materials. Mr. Henderson stated that the materials were not relevant at
- 25 all. Judge McKittrick accepted Mr. Henderson's testimony as more true. And so
- 26 important evidence in this action was spoliated away from necessary
- 27 consideration and proper adjudication.
- 28

29 Thus, the fundamental good cause for withdrawal of this

30 adversarial proceedings from the Bankruptcy court is Judge McKittrick's

1
2 continuing lack of fairness toward Peter Szanto, intense bias against Peter
3 Szanto and clear unwillingness to consider Peter Szanto's points of law.
4 The lack of impartiality manifests itself by creating a situation wherein Peter
5 Szanto is deprived of all possibility of fair, proper, equal and reasonable
6 adjudication of the adversarial matters now before this Court.

7
8 **5. Declaration of Peter Szanto**

9 Declaration is a separate companion document.

10 **6. Conclusion**

11 For the reasons stated herein, debtor prays that this Court review
12 the facts of the adversarial proceedings, as presented herein, and
13 recommend that this adversarial proceeding proceed in the District Court.
14

15 1st, judicial bias can never be part of any litigation. Every party to
16 an action is entitled to "due process right to a fair trial before an unbiased
17 judge." *Citizens United v. FEC* (2010) 558 U.S. 310, 360. Also, a "fair trial
18 in a fair tribunal is a basic requirement of due process." *In re Murchison*
19 (1955) 349 U.S. 133, 136.
20

21 2nd, the mandatory part of 28 USC 157 requires transfer whenever
22 "title 11 and other laws of the United States regulating organizations or
23 activities affecting interstate commerce" must be adjudicated so as to
24 achieve complete and final relief. Here, the various organizations which
25 comprise Peter and Susan Szanto's private and business lives must be

1
2 adjudicated under Title 11, as well as FRCP 11, 42 USC 1983 and other
3 non-Bankruptcy laws.

4
5 Respectfully,

6
7 Dated 4-30/2018



Peter Szanto

8
9
10 **Proof of Service**

11
12 My name is Maquisha Reynolds, I am over 21 years of age and not
13 a party to the within action. My business address is PO Box 14894,
14 Irvine CA 92623. On the date indicated below, I personally served the
15 within:

16 **Motion**

17
18 by e-mail to Mr. Olsen and Mr. Henderson at:

19
20 nhenderson@portlaw.com

21
22 I declare under penalty of perjury under the laws of the United States
23 that the foregoing is true and correct. Signed at Portland OR.

24 Dated 4-27-2018 /s/ Maquisha Reynolds

25
26 16-bk-33185

Withdraw Reference – pg. 21

Jeremy G. Tolchin, SBN #239714

jtolchin@portlaw.com

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Portland, OR 97204

Telephone: (503) 417-0509

Facsimile: (503) 417-0459

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

In re:

PETER SZANTO,

Debtor.

No. 8:17-MC-00019-DOC-DFM

PETER SZANTO,

Plaintiffs,

v.

EVYE SZANTO, VICTOR SZANTO,
NICOLE SZANTO, KIMBERLY SZANTO,
MARIETTE SZANTO, ANTHONY
SZANTO, AUSTIN BELL and BARBARA
SZANTO ALEXANDER,

Defendants.

Oregon Bankruptcy Case No. 16-33185-
pcm11

Oregon Bankruptcy Adv. Proc. No. 16-
03114-PCM

DEFENDANTS' APPLICATION FOR
ATTORNEYS' FEES AND COSTS AND
MEMORANDUM IN SUPPORT

I. MOTION

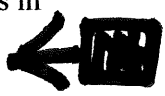
A1

Defendants Evye Szanto, Victor Szanto, Nicole Szanto, Kimberly Szanto, Mariette

Szanto, Anthony Szanto, Austin Bell and Barbara Szanto Alexander (collectively referred to as

“Defendants”) move the court for an order granting an award of attorneys’ fees and costs pursuant to this court’s Order on Plaintiff’s Motion for Contempt (the “Order”) [Dkt. No. 95]. In support of his motion, Defendants rely on their Memorandum in Support, the declaration of Nicholas J. Henderson (the “Henderson Decl.”), the declaration of Michael L. Fell (the “Fell Decl.”) and the documents in the court’s record.

II. MEMORANDUM IN SUPPORT OF MOTION FOR ATTORNEY’S FEES

Defendants submit this Memorandum in Support of their Motion for Attorneys’ Fees in the sum of \$36,135.76, and costs in the sum of \$4,621.80 for a total request of \$40,757.56. 

Attached as Exhibit A is a detailed ledger of Defendants’ attorney fees for the law firm of Motschenbacher & Blattner LLP that have been incurred during Defendants’ protracted effort to depose Susan Szanto – a difficult and expensive process driven solely by Mrs. Szanto’s contemptuous conduct. The attorney fees on Exhibit A total \$30,576.00. Attached as Exhibit B is a detailed ledger of Plaintiff’s costs that have been incurred during Defendants’ attempts to depose Susan Szanto. The costs on Exhibit B total \$4,621.80. Attached as Exhibit C are the attorney fees billed by attorney Michael L. Fell and his law firm. The fees on Exhibit C total \$5,559.76.

Plaintiff’s requested fee rates are within, and below, the range of fees customarily charged by attorneys in comparable areas of practice at comparable Portland law firms. (Henderson Decl. ¶ 5.) This Court should use the prevailing market rate in the community to determine an appropriate award of attorney fees. See *Sorenson v. Mink*, 239 F.3d 1140, 1149 (9th Cir. 2001).

Facts relating to the experience, reputation, and ability of counsel for the defendant are set forth in the Declaration of Nicholas J. Henderson in Support of Defendants’ Motion for Attorneys’ Fees and Costs (Henderson Decl. ¶¶ 6-9), and the Declaration of Michael L. Fell in Support of Defendants’ Application for Attorney’s Fees filed with this Memorandum. (Fell Decl., ¶¶ 6-7).

A2

Defendants readily acknowledge this fee petition is higher than a typical fee petition related to a discovery dispute. However, there are many factors which increased Defendants' fees and costs. Susan Szanto evaded of service, resulting in the need to hire a private investigator to locate her. She refused to acknowledge the fact that she was served with subpoenas, and she refused to attend numerous depositions for which had prepared. As a result of Mrs. Szanto's dishonesty and proclamation that she was 500 miles away at the time she was served with a subpoena at her place of business, Defendants' counsel was compelled to subpoena Mrs. Szanto's employer to produce time records proving Mrs. Szanto was at work on the date and time in question. Not unexpectedly, Mrs. Szanto's husband questioned the authenticity of the records produced. Fully aware of Mr. and Mrs. Szanto's history of fabrications and disingenuous arguments, Defendants' counsel was compelled to assist both its process server and Mrs. Szanto's employer in preparing declarations of sufficient detail and clarity to withstand any such attack. And of course, Defendants' counsel had to prepare two motions (the motion to compel Mrs. Szanto's compliance with subpoenas [Dkt #1] and the subsequent contempt motion [Dkt. #11] following her failure to comply with that Order) before Mrs. Szanto finally relented and agreed to appear for her deposition.

The Court has already ruled that Defendants are entitled to recoup the attorneys' fees and costs incurred compelling Mrs. Szanto to comply with deposition subpoenas. [Dkt. No. 5]. The only material difference since that Order is the amount of fees and costs incurred compelling Mrs. Szanto to comply – fees and costs that were completely avoidable and driven solely by Mrs. Szanto's contemptuous conduct.

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III. CONCLUSION

For all of the foregoing reasons, Defendants respectfully request the Court to grant their Application for Attorney's Fees and Costs in the amount of \$40,757.56. Defendants reserve the right to supplement this motion with fees and costs incurred subsequent to the date it is filed.

DATED this 22nd day of January, 2018.

MOTSCHENBACHER & BLATTNER LLP

/s/ Nicholas J. Henderson
Nicholas J. Henderson, OSB #074027
Of Attorneys for Plaintiff

A4

ACCO,(DFMx),DISCOVERY

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Southern Division – Santa Ana)
CIVIL DOCKET FOR CASE #: 8:17-mc-00019-DOC-DFM**

Peter Szanto v. Evye Szanto et al
Assigned to: Judge David O. Carter
Referred to: Magistrate Judge Douglas F. McCormick
Case in other court: USBC District of Oregon,
16-33185-pcm11
USBC District of Oregon, AD
16-03114-PCM

Date Filed: 09/22/2017
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: Federal Question

Cause: Civil Miscellaneous Case

**There are proceedings for case 8:17-mc-00019-DOC-DFM but
none satisfy the selection criteria.**

EXHIBIT B

Fill in this information to identify the case:Debtor 1 Peter Szanto

Debtor 2 _____

(Spouse, if filing) _____

United States Bankruptcy Court District of OregonCase number: 16-33185**FILED**U.S. Bankruptcy Court
District of Oregon

2/26/2018

Charlene M. Hiss, Clerk

EXHIBIT C**Official Form 410
Proof of Claim****04/16**

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?	<u>Szanto, Susan</u> Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor _____	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent? <u>Szanto, Susan</u> Name <u>11 Shore Pine</u> <u>Newport Beach CA 92657</u> <u>NEWPORT COAST, CA 92657</u> Contact phone <u>9498872369</u> Contact email _____ Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	Where should payments to the creditor be sent? (if different) _____ Name _____ Contact phone _____ Contact email _____
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY	
5. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____
7. How much is the claim?	\$ 3961438.00 Does this amount include interest or other charges? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A). _____
8. What is the basis of the claim?	Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as healthcare information. 1) community estate assets, 2) marital estate assets, 3) community property assets under California Law _____
9. Is all or part of the claim secured?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property. Nature of property: <input type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> . <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Other. Describe: _____ Basis for perfection: _____ Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.) Value of property: \$ _____ <u>EXHIBIT C</u> Amount of the claim that is secured: \$ _____ Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.) Amount necessary to cure any default as of the date of the petition: \$ _____ Annual Interest Rate (when case was filed) _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable
10. Is this claim based on a lease?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____
11. Is this claim subject to a right of setoff?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. <i>Check all that apply:</i>	Amount entitled to priority
A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.	<input checked="" type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).	\$ 3961438.00
	<input type="checkbox"/> Up to \$2,850* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).	\$
	<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,850*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).	\$
	<input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).	\$
	<input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).	\$
	<input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)(_) that applies	\$
* Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.		

Part 3: Sign Below

<p>The person completing this proof of claim must sign and date it. FRBP 9011(b).</p> <p>If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.</p> <p>A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157 and 3571.</p>	<p>Check the appropriate box:</p> <p> <input type="checkbox"/> I am the creditor. <input type="checkbox"/> I am the creditor's attorney or authorized agent. <input checked="" type="checkbox"/> I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004. <input type="checkbox"/> I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005. </p> <p>I understand that an authorized signature on this Proof of Claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.</p> <p>I have examined the information in this Proof of Claim and have a reasonable belief that the information is true and correct.</p> <p>I declare under penalty of perjury that the foregoing is true and correct.</p> <p>Executed on date <u>2/26/2018</u></p> <p style="text-align: center;">MM / DD / YYYY</p> <p style="text-align: right;"><u>EXHIBIT C</u></p> <p><u>/s/ Peter Szanto</u></p> <p>Signature</p> <p>Print the name of the person who is completing and signing this claim:</p> <p>Name <u>Peter Szanto</u></p> <p style="text-align: center;">First name Middle name Last name</p> <p>Title _____</p> <p>Company _____</p> <p>Address <u>11 Shore Pine</u></p> <p style="text-align: center;">Identify the corporate servicer as the company if the authorized agent is a servicer</p> <p style="text-align: center;">Number Street NEWPORT COAST, CA 92657</p> <p style="text-align: center;">City State ZIP Code</p> <p>Contact phone <u>9498872369</u> Email <u>szanto.pete@gmail.com</u></p>
--	---

FILED

SUSAN SZANTO 949-720-7005
11 Shore Pine
Newport Coast CA 92657

2018 JAN 31 PM 2:13

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

United States District Court
in and for the Central District of California

EXHIBIT D

In Re Peter Szanto,

Debtor and Plaintiff

(in Oregon Bankruptcy Cases

16-bk-33185 and 16-ap-3114)

Santa Ana Division

17-MC-00019 DOC DFM

Notice of Joinder
of Indispensable Party
Susan Szanto

May it please the Court:

DECLARATION of Susan Szanto

1. My name is Susan Szanto; I am over 21 years of age
2. I was previously the non-party whose deposition was sought and whom the Court directed to be deposed.
3. This is my truthful declaration subsequent to said deposition.

17-MC-19

NOTICE - pg. 1

ORIGINAL

- 1
- 2 4. At said deposition of January 18, 2018 my thoughts, recollections and
- 3 memories were refreshed by the questions asked by the defendants.
- 4 5. With great psychological pain and intense emotional sadness, I recollected
- 5 vividly all of my current, pending and unresolved claims against the
- 6 defendants herein.
- 7 6. During the deposition and the days thereafter, my memories were
- 8 refreshed by consideration of the questioning by the defendants.
- 9 7. I recalled the immense pain and horror the defendants have purposefully
- 10 inflicted upon me during the previous years.
- 11 8. That intense physically pain is continuing now.
- 12 9. I personally obtained a copy of the underlying complainant in this matter.
- 13 10. I concur in, and support, and affirm all of the claims made in that
- 14 complaint.
- 15 11. Upon that ground, I now join this action with plaintiff against the
- 16 defendants.
- 17 12. I know to an absolute certainty that I am an indispensable party in this
- 18 matter because complete adjudication of plaintiff's claims is impossible
- 19 without the adjudication of my same claims against the defendants,
- 20 13. Upon that ground, I now join this action with plaintiff against the
- 21 defendants.
- 22 14. Pursuant to FRCP 19 and supported by FRCP 20(a)(1) I also assert:

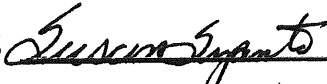
(A) my right to relief jointly, severally, or in the alternative with respect to or
arising out of the same transaction, occurrence, or series of transactions or
occurrences as plaintiff; and

1
2 (B) that the questions of law or fact common in plaintiffs action all arise
3 in the action now already before this Court.

4
5 15. I learned only for the first time on January 18, 2018 that my rights and
6 claims are impaired by the defendants and that I am entitled to relief for
7 defendants' actions against me personally based upon this action which is
8 already before this Court.

9 EXHIBIT D

10
11 I declare under penalty of perjury under the laws of the United States
12 that the foregoing is true and correct. Signed at Santa Ana California.
13

14
15 January ³¹~~26~~, 2018  Susan Szanto
16
17
18
19
20
21
22
23
24

25 17-MC-19

26 NOTICE - pg. 3

PETER SZANTO 949-887-2369
11 Shore Pine
Newport Beach CA 92657

US BANKRUPTCY COURT
DISTRICT OF OREGON

2018 MAY -1 AM 11:31

LOGGED RECD

United States Bankruptcy Court

in and for the District of OREGON

1001 SW 5th Av., Portland OR 97204

In Re Peter Szanto

Debtor

Adversarial # 16-ap-3114

core case:16-bk-33185-pcm7

Debtor's Declaration Supporting Motion

RE: Judge McKittrick's Recommendation

for Withdrawal of District Court Referral

as to Bankruptcy Division Case

16-ap-3114 for Further Proceedings in

the United States District Court

Hon. Judge Peter C. McKittrick, presiding

1. Declaration of Peter Szanto

1. My name is Peter Szanto, I am the plaintiff, debtor herein.
2. This is my truthful declaration regarding the necessity of District Court adjudication in the adversarial proceeding discussed herein.

16-bk-33185

Declaration April-30--2018 – pg. 1

3. Throughout the 16-3114 adversarial proceeding I have realized that defendants' litigation and discovery strategies involved purposefully misleading this Court as well as the District Court in California.
4. When this case began, I believed Judge McKittrick to be a fair and impartial judge who had the wisdom to recognize that attorneys will do anything and everything to win cases.
5. I believed that Judge McKittrick recognized that attorney abuse and misconduct are endemic in the practice of law.
6. And that attorneys, when confronted by a *pro se* litigant, immediately begin the psychological scam upon the presiding judge of fabricating misdeeds by the *pro se* party irrespective of truth justice or law.
7. This has been demonstrated most emphatically in this action by Mr. Henderson's non-stop testimony in this case.
8. Judge McKittrick is enamored with Mr. Henderson's testimony and simply does not understand that Mr. Henderson would say anything to win this case, irrespective of being honest!!
9. Mr. Hendesron's most despicable mis-directions of the Court have been (this list is not-exhaustive):

9a: Pretending that I was served with the first batch of his discovery when there was no such service.

1
2 9b: Knowingly allowing his clients to make two "a civil action is
3 violence motions" in contravention of both 11 USC 362 and
4 Nevada law. There is substantial evidence that Mr. Henderson
5 facilitated and suborned these motions (probably through
6 Mr. Olsen, defendant's California counsel). When I received
7 the first of these motions, I called Mr. Olsen (with whom I have
8 been litigating since 2012). I told Mr. Olsen that I could tell that
9 the spreadsheet included with the motions was his work. Mr.
10 Olsen tacitly admitted my accusation, by simply hanging up on me.
11 (IE, another tacit admission by silence *Course v. Stead* (1800)
12 4 U.S. 22.

13
14 9c: Testifying to this Court that the "boxes and boxes and boxes"
15 (IE. 6 boxes) of material which Victor Szanto represented were
16 damning evidence against Peter Szanto, were just personal
17 notes.

18 The Court's acceptance of Mr. Henderson's representations
19 was particularly biased against plaintiff, because it is likely
20 that had the Court allowed examination of the 6 boxes, they
21 would have yielded the materials which Victor Szanto had
22 represented as damning

23
24 The Court's disregard of this evidence demonstrates clearly
25 that the Court is not concerned with the truth in this action.

1
2 9d. Mr. Henderson's theatrics regarding a subpoena to Susan
3 Szanto, as well as the subsequent months of phony service
4 and continuing extensions of discovery, when, in fact,
5 Susan's deposition could have been secured in the
6 on-going restraint of violence by a Notice of Deposition
7 sent by 1st Class Mail – no personal service necessary.

8
9 9e. Mr. Henderson violating his representations to this Court
10 about the purpose of the deposition of Susan Szanto as having
11 relevance to this case by asking dozens of questions about
12 Susan's Yankee Trust Business and Susan's Bank accounts.

13
14 As proof of the fact that the deposition of Susan Szanto was
15 nothing else but an effort to secure discovery sanctions, Mr.
16 Henderson asked absolutely no questions about Victor
17 Szanto's attack on Susan Szanto (which was the avowed
18 purpose of the deposition).

19 9f. Mr. Henderson has not allowed Susan Szanto to review her
20 deposition in a secure location.

21
22 9g. Mr. Henderson failed to respond to plaintiff's subpoena
23 regarding the deposition transcripts in his possession.

10. Defendants have been very successful in convincing Judge McKittrick of false facts and in their own blatant lies.
11. Likewise, defendants' counsel often fail properly to serve papers.
12. Generally, defendants often support their failed service with perjured proofs of service.
13. Whenever Judge McKittrick is confronted with a situation where he has to decide who is lying, he always presumes Peter Szanto is lying!
14. Such judicial bias arises from Judge McKittrick's mistaken belief in defendant's counsel's veracity and ethics.
15. However, proof that defendants readily lie is available in this action and in the case which is proceeding in the California District Court
16. Failed service in U.S. District Court in California's Central District case 17-cv1660 is evidenced in defendants first 22 papers, none of which were ever served.
17. The civil cover sheet of that filing (Docket Entry 1-21, p1) also contains the false statement that on 9-22-17 Peter Szanto was a resident of Orange County CA.
18. On 9-22-17, I was a resident of Oregon.
19. Thereafter, defendants filed another action in the U.S. District Court in the Central District of California, # 17-mc-00019.
20. That action's first 22 filings were likewise never served.

1
2 21. Defendants' civil cover sheet in that action also has the false
3 statement that on 9-22-17 Peter Szanto was a resident of Orange
4 County CA.

5 22. The evidence of the fact of failed service, as well as false
6 statements does not rely on my statements, but is rather
7 proven by the record itself.

8 23. That is, on this occasion the Court is able to examine the record
9 and objectively see that even though it perceives defendants
10 and their counsels as always truthful, that proof of their false
11 statements and failed service is in the record.

12 24. In this instance the record is clear that neither I, the plaintiff, nor
13 the party to be deposed were served with the first 22 papers
14 in the California Central District actions, which papers were
15 preliminary to defendants seeking contempt sanctions against
16 the person, Susan Szanto, whom they never served.

17 25. **Specifically this is proof of what plaintiff was stating about**
18 **discovery on him: that defendants use discovery tactics**
19 **solely to attempt to obtain unfair advantage so as to secure**
20 **discovery sanctions though failed service.**

21
22 26. In particular, defendants' counsel's manner of deception has
23 been to posit as truth matters about which only their statements
24 are the required proof (no corroboration is ever necessary when
25 Mr. Henderson speaks!!).

1
2 27. Furthermore, the Court has relied on its own intense personal
3 belief that all attorneys tell all of the truth all of the time to
4 make the decision that all attorneys opposing plaintiff must be the
5 truth tellers and that Peter Szanto must be the liar.

6 28. The Court has consistently refused to see that failed service
7 and false statements as defendants' affirmative strategy to
8 obtain discovery sanctions and to win this action through
9 contrived false facts.

10 29. Rather the Court has presumed plaintiff's complaints of failed
11 service to be just another indicator of plaintiff's lack of credibility.

12 30. However, there is proof that defendants have engaged in
13 deception.

14 31. The significance and relevance of these facts to the instant
15 Withdrawal of Reference Motion is that it demonstrates Judge
16 McKittrick's bias against plaintiff regarding truthfulness, when in
17 fact, defendants' truthfulness is being demonstrated to be lacking.

18 32. This was precisely the same strategy as defendants preying
19 upon the Court's belief in the unshakeable veracity of counsel.

20 33. A similar charade was played on this Court by defendants
21 demands to take a deposition in California.

22 34. Defendants right to take a deposition in California Family Court
23 was always available without any subpoena.

24 35. However, defendants played out the theatrics of failed and
25 phony service simply to make plaintiff appear even less credible.

(IE, the presumption has been embraced by this Court that Susan Szanto failing to appear at a deposition must be plaintiff's fault! or somehow related to some action or act by plaintiff.)

36. Again the Court did not realize that it was being deceived by perjured proofs of service in another district regarding a deposition which could have been had at any time by way of ordinary mail service of a Notice of Deposition in the Family Court action.

37. Upon these grounds and many others this Court has developed intense bias against me which makes continuation of the this adversarial proceeding in this Court fore-ordained to have adverse outcomes for me.

38. I believe to an absolute certainty that the bias I have described here (as well as further bias stemming from the conversion trial's mis-interpretations of banking done by Mrs. Szanto wherein I was a pay-on-death beneficiary as separate accounts of mine) have created a situation where a fair and impartial trial or further proceedings in this Court are **ABSOLUTELY IMPOSSIBLE**.

39. These matters of which I am complaining are the intense and intentional misleading of this court – and the Court embracing those efforts so as to be willingly misled create the good cause necessary to sustain a 28 USC 157(d) revocation of Bankruptcy referral, because **NO FAIR OR IMPARTIAL HEARING CAN OCCUR IN THIS COURT!!!!** These events are the “cause shown” required in the 1st sentence of 11 USC 157(d), because judicial impartiality is a pre-requisite for any judicial decision.

1
2 40. Impartiality no longer exists in this action.

3 41. And the decisions that this Court has made since being fooled
4 regarding my alleged discovery lateness (which was actually just
5 defendants' failed service) have all been to my detriment.

6 42. In this Court and the California District Court defendants' efforts
7 have been all to seek the punitive aspects of the discovery rules,
8 but not to obtain admissible evidence.

9 43. Defendants' strategy is not one of discovery, but rather of
10 falsely creating opportunities for discovery punishment against the
11 Susan Szanto and myself.

12 44. This was also evidenced in that paper the Court mentioned
13 wherein the defendants were referring to themselves as plaintiffs.

14 45. The supposition being that defendants merely cut and paste the
15 same demand for sanctions from case to case and merely forgot
16 to change their side on this occasion.

17 46. Thus, defendants strategy is contrary to the intent of discovery
18 disclosure rules which are the actual substance of the discovery
19 laws; the goal being trial preparation and not the accumulation of
20 sanctions.

21 47. But defendants have successfully changed that goal to that
22 of sanctions and the creation of opposing party prejudice.

23 48. Defendants have been very successful in that regard in this
24 case.

1
2 49. The deposition of Susan Szanto did not focus on any matter
3 relevant to the within action. Rather the questions focused on
4 Susan Szanto's finances and her involvement in the Yankee
5 Trust Corp.

6 50. For this reason, defendants themselves invoked the mandatory
7 withdrawal of reference aspects of 28 USC 157 by involving
8 the interstate activities of organizations (Yankee Trust being a
9 Massachusetts Corporation) and Susan Szanto's finances being
10 an undivided 1/2 of the Marital Community Property Estate of
11 Susan and Peter Szanto under California law (which cannot be
12 adjudicated under Oregon's non-community property rules), but
13 rather requiring adjudication under laws other than Title 11 as
14 described in the 11 USC 157(d) withdrawal of reference law.

15 51. Another non-title 11 law which requires adjudication is Victor
16 and Evye Szanto and their counsel's improper contact with
17 Nevada judicial officers improperly to affect my Bankruptcy.

18 52. Apparently this Court did not grasp the co-incidence between
19 Victor Szanto's threatening Susan Szanto with violence and the
20 due date of plaintiff's discovery.

21 53. However, when the facts are looked at objectively, the lateness
22 of plaintiff's discovery can readily be accounted for by the time
23 needed by plaintiff to go to California to protect his spouse and
24 son.

1
2 54. Likewise, the Court "did not get" that Victor and Evye Szanto
3 obtained a Nevada violence order specifically to stymie my efforts
4 to interview Nevadans regarding defendants' financial and
5 business activities which would be admissible evidence in this
6 action.

7 55. I believe to an absolute certainty that Judge McKittrick is biased
8 and prejudiced against me in the following ways (this list is
9 non-exhaustive and is limited for the sake of expedience):

10
11 a) Judge McKittrick's *modus operandi* is to believe that all attorney
12 statements and argument are the equivalent of holy-writ. Judge
13 McKittrick has, all to my detriment, embraced attorney statements
14 and argument as the equivalent of sworn testimony irrespective of
15 the fact that said statements were merely hearsay and factually
16 un-proveable. Attorneys opposing me have thrived on these
17 unfair circumstances to make ever increasingly outrageous
18 statements, all to my detriment.

19 Hopefully, the Court recalls Mr. Laurick calling me a tar-baby on
20 the record.

21
22 This is relevant to the withdrawal of reference issue because
23 it demonstrates good cause to remove this action from a biased
24 judge.

1
2 b) Judge McKittrick has allowed hearsay testimony by persons who
3 had no possible way of knowing actual facts other than by being
4 told as to what to testify. This occurred when Chase's professional
5 witness was allowed to testify to facts not within her knowledge and
6 also when a person anxious to keep his job testified for the
7 Department of Justice regarding listening to a tape recording of me
8 (or perhaps somebody who he was told was me). But, in fact,
9 listening to a tape recording can never overcome the hearsay
10 exception, because it is not live or actual testimony.

11
12 This is relevant to the withdrawal of reference issue because
13 it demonstrates good cause to remove this action from a biased
14 judge.

15
16 c) Judge McKittrick has suspended all discovery limitations for Victor
17 Szanto, *et al*, while at the same time ending discovery for me 9
18 months ago. This has been to my immense detriment because I can
19 not even obtain responses to subpoenas.

20
21 This is relevant to the withdrawal of reference issue because
22 it demonstrates good cause to remove this action from a biased
23 judge.

1
2 d) Judge McKittrick has not allowed me to have electronic filing
3 privileges, even though every other court in which I am
4 proceeding allows me to have that ECF filing ability.
5

6 This is relevant to the withdrawal of reference issue because
7 it demonstrates good cause to remove this action from a biased
8 judge.
9

10 e) The first discovery set allegedly propounded by Mr. Henderson
11 was never served. The due date of that discovery coincided with
12 Victor Szanto's assault on Susan Szanto.
13

14 1) it is my absolute belief that Mr. Henderson liased and planned
15 the firearm assault on my wife with Victor Szanto solely for the
16 purpose of causing me to be late with discovery. That is, Mr.
17 Henderson, reasoned correctly that if he suborned and
18 facilitated Victor Szanto's attack on my wife, I would
19 rush to her assistance and thereby be tardy on my discovery
20 responses.
21

22 2) The same was true with Mr. Henderson's non-statutory and
23 *ultra vires* request for denials. Mr. Henderson reasoned that
24 attempting to respond in the negative to questions which are
25 not statutorily allowed (IE, request for denials are not the
26 statutorily allowed requests for admissions) would take far

1
2 longer time and be much more difficult to respond than requests
3 for admissions. Thereby creating the possibility of further
4 lateness and more opportunity to request sanctions.
5

6 Irrespective of all else, lateness was necessitated by my taking
7 affirmative action to mitigate further possibility of attack on my family
8 by Victor Szanto. Judge McKittrick punished my lateness (even
9 though prevention of Susan and Jakkob Szanto's possible injury or
10 deaths were the sole reasons for that lateness.)
11

12 This is relevant to the withdrawal of reference issue because
13 it demonstrates good cause to remove this action from a biased
14 judge.
15

- 16 f) Judge McKittrick comments regularly on his dislike of my demeanor.
17 My demeanor is simply that of an old man over which I have limited
18 control (My demeanor likely could not even be fixed even by cosmetic
19 surgery; I will never look like a blushing 18 year-old under any
20 circumstances). Indeed, Judge McKittrick's animosity about my
21 demeanor is nothing other than irrational projection of what a
22 beautiful and idealized demeanor ought to be. Indeed, it is merely
23 reprehensible and vile appearance discrimination.
24
25

1
2 Also, my demeanor is often that of a person in a state of shock
3 who has to oppose false and misleading statements of those
4 opposing me.
5

6 This is relevant to the withdrawal of reference issue because
7 it demonstrates good cause to remove this action from a biased
8 judge.
9

10
11 g) Judge McKittrick has often commented in-the-abstract as to my
12 credibility without identifying any actual instances. This pattern of
13 judicial conduct merely allows attorneys opposing me to make
14 unreasonable and immaterial attacks (in the guise of credibility) as
15 jingoistic slurs which are unrelated to anything of relevance save to
16 create more animosity towards me.
17

18 This is relevant to the withdrawal of reference issue because
19 it demonstrates good cause to remove this action from a biased
20 judge.
21

22 h) Numerous times Judge McKittrick has denied me the right to the
23 assistance of counsel. Judge McKittrick has stated that I could obtain
24 counsel, but would not stay proceedings while I secured counsel.
25

1
2 That is, securing counsel is a time-consuming effort (and every
3 attorney wants payment even before asking the Court for permission
4 to be paid). Without a stay, the time consuming effort of securing
5 counsel would negatively affect my ability to prepare papers for this
6 action on time.

7
8 Furthermore, every attorney in Portland now knows that if they
9 should dare to assist me, their own credibility and demeanors before
10 Judge McKittrick will be irredeemably destroyed for all their other
11 cases.

12
13 This is relevant to the withdrawal of reference issue because
14 it demonstrates good cause to remove this action from a biased
15 judge.

- 16 i) Judge McKittrick would not enforce my subpoena directed to Victor
17 Szanto, *et al.* This sends a message to defendants that they simply
18 do not need ever to comply with any process issued by me, because
19 Judge McKittrick will not enforce even the basic rules necessary for
20 me to obtain admissible evidence.

21
22 This is relevant to the withdrawal of reference issue because
23 it demonstrates good cause to remove this action from a biased
24 judge.

1
2 j) At the 11-28-17 hearing, materials were proffered by Mr. Kukso prior
3 to compliance with the New Jersey judge's ORDER requiring review
4 by that Judge in New Jersey prior to presentation at any other
5 hearing. Judge McKittrick allowed these materials into evidence
6 without the New Jersey judge's review. After the hearing, Judge
7 McKittrick's clerk, Ms Smith, forcibly took those papers away from
8 me. Ms Smith would not have acted other than on Judge McKittrick's
9 order; that is, Judge McKittrick intentionally made certain that
10 materials proffered at a hearing were unavailable for review.

11
12 This is relevant to the withdrawal of reference issue because
13 it demonstrates good cause to remove this action from a biased
14 judge.

15 k) Victor Szanto admitted at his deposition that he had "boxes boxes
16 and boxes" of relevant materials. Mr. Henderson stated that the
17 materials were not relevant at all. **Judge McKittrick accepted**
18 **Mr. Henderson's testimony as more holy-writ emanating from an**
19 **attorney who could never-ever lie.** And so important evidence was
20 spoliated away from necessary consideration and proper adjudication
21 in this action.

22
23 I declare under penalty of perjury under the laws of the United States
24 that the foregoing is true and correct. Signed at Irvine CA.

25 Dated 4-30/2018 /s/  Peter Szanto

1
2 **PROOF OF SERVICE**

3
4 **My name is Maquisha Reynolds, I am over 21 years of age and not a**
5 **party to the with action. My business address is PO Box 4614, Portland OR**
6 **97208. On the date indicated below, I personally served the within:**

7 **DECLARATION**

- 8
9 a. Internal Revenue Service, PO Box 7346, Philadelphia PA 19101
10 b. First Service Residential, 15241 Laguna Canyon Rd, Irvine CA 92618
11 c. JPMorgan Chase Bank, represented by:
12 Cara Richter c/o Shapiro & Sutherland
13 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
14 d. Bank of America, c/o McCarthy & Holthus
15 920 SW 3rd Av., Portland OR 97204
16 e. Oregon Department of Revenue, 955 Center St., Salem OR 97301
17 f. Chapter 7 Trustee, Stephen P Arnot, POBox 1963, Lake Oswego OR 97035
18 by e-mail to arnotlaw@sbcglobal.net

19
20 **by mailing copies to the above parties via 1st class mail, postage**
21 **prepaid, or by e-mail.**

22
23 **I declare under penalty of perjury under the laws of the United States**
24 **that the foregoing is true and correct. Signed at Irvine CA.**

25
26 **Dated 4-30-2018**  **Maquisha Reynolds**

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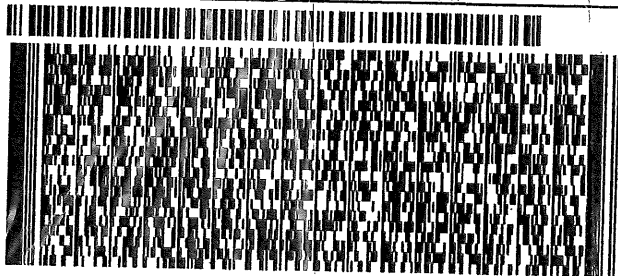
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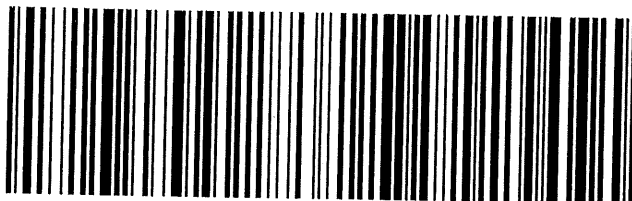
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Stephen P. Arnot, OSB #070765
WILLIAMS, KASTNER GREENE & MARKLEY
1515 SW Fifth Avenue, Suite 600
Portland, OR 97201-5449
Telephone: (503) 228-7967
Fax: (503) 222-7261
Attorneys for Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re

PETER SZANTO,

Debtor.

Case No. 16-33185-pcm7

Chapter 7

CHAPTER 7 TRUSTEE'S MOTION FOR
ORDER TO SHOW CAUSE RE
CONTEMPT FOR CONTINUED
VIOLATION OF THIS COURT'S ORDER,
RESTRICTING DEBTOR'S ACCESS TO
FOREIGN ACCOUNTS AND
TURNOVER OF ESTATE PROPERTY

MOTION

Pursuant to 11 USC § 524(a)(4) and 11 USC § 105 and this court's order converting Debtor's case to chapter 7 entered December 5, 2017 ("Conversion Order") (DKT #278), Stephen P. Arnot, the Chapter 7 Trustee ("Trustee") moves this court for entry of an order that (a) finds the debtor in contempt of court for failing to comply with the conversion order requiring the debtor to turn over funds in his foreign accounts at HSBC Bank Singapore Limited and HSBC Bank Australia Limited ("Foreign Accounts")¹ and (b) issue an order restricting debtor's access to the foreign accounts and order the debtor to comply with his statutory obligation under Section 521(a)(4) and turn over the proceeds in the foreign accounts.²

¹ The debtor merely needs to sign two forms provided by HSBC to release and turnover the funds in the foreign accounts to the trustee. See Exhibits E and F attached to Trustee's declaration.

² The Trustee will domesticate the proposed order in Singapore and Australia at which time HSBC should turn over the funds in the foreign accounts to the trustee.

FACTUAL BACKGROUND

During the debtor's Chapter 11, he established accounts with HSBC Bank Singapore and HSBC Bank Australia. On November 30, 2017, this court entered an order restricting defendants' use of the financial accounts at all institutions (See DKT #272). On December 5, 2017, the court entered an order converting the debtor's case to Chapter 7. As part of the conversion order, the court restrained the debtor from use of any property of the bankruptcy estate, including all monies, funds and/or securities held or titled in the name of the debtor or related entities (See DKT #278). The court further held that all financial institutions holding monies in the name of the debtor or related entities shall cooperate with and turn over those funds to the Trustee.

From December 4, 2017 to December 8, 2017 the debtor transferred from his HSBC Bank USA the aggregate sum of \$423,904 to HSBC Bank Australia Ltd. and HSBC Bank Singapore Ltd. (See Exhibits A and C.) The Trustee has also located another \$199,998 transferred to HSBC Bank Singapore and HSBC Bank Australia on June 2017. (See Exhibit D.) The debtor denies, of course, that he set up any Foreign Accounts. The Trustee's only concern is for the return of the funds and not whether the account was foreign or domestic.

The Trustee filed an action against HSBC Bank USA to turn over the funds held by HSBC Bank USA, HSBC Bank Singapore and HSBC Bank Australia. Defendant HSBC Bank USA has turned over \$81,602.09. Defendants have refused to turn over the funds held within the foreign accounts and have asserted that the bankruptcy court lacks personal jurisdiction over the foreign banks. However, HSBC Bank Singapore would turn over the funds if the debtor signed the authorization forms for release of funds to the Trustee.³

Defendants will not recognize an order authorizing the Trustee to sign on behalf of the debtor. However, if the Trustee were to obtain an order that restricts the debtor's access to the foreign accounts and directs the debtor to turn over the funds held in the foreign accounts to the

³ The Trustee has provided those forms and requested the debtor sign and return. The debtor has refused to this date. See Exhibits E and F.

Trustee and domesticates the order in Singapore and Australia, the defendants would cooperate with the Trustee.

JURISDICTION

This court has jurisdiction over this matter pursuant to 11 USC § 157 and 11 USC § 1334. This motion constitutes a core proceeding within 28 USC § 157 as this matter constitutes a request for order compelling debtor to turn over property of the bankruptcy estate, contempt for debtor's continued violation of the conversion order and an injunction to enjoin debtor's access to the foreign accounts.

RELIEF REQUESTED

The Trustee, pursuant to Section 524 and Section 105 of the Bankruptcy Code and the conversion order, moves this court for entry of an order which (a) finds the debtor in contempt of court for failing to comply with the debtor's statutory duties under Section 521 of the Bankruptcy Code; (b) for entry of an order restricting the debtor from access to the foreign accounts; and (c) for turnover of all funds in the foreign accounts to the Trustee pursuant to the conversion order and his statutory obligation under § 521.

POINTS AND AUTHORITIES

11 USC § 521(a)(4) provides that if a trustee is serving in the case, the debtor shall surrender to the trustee all property of the estate and any recorded information including books, documents, records and papers relating to property of the estate.

11 USC § 105 provides that the court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of the Bankruptcy Code, including taking any action or making any determination necessary or appropriate to enforce or implement court orders or rules, or to prevent an abuse of process.

To obtain an order of contempt for violation of an order, the Trustee must prove that the debtor had knowledge of the order and intended the conduct that violated the order. *Zilog v. Corning*, 450 F.3d 996, 1007 (9th Cir. 2006). To recover sanctions for contempt, the Trustee must establish a violation by clear and convincing evidence. *Renwick v. Bennett*, 298 F.3d 1059,

1069 (9th Cir. 2002). A contempt proceeding in bankruptcy is properly brought by a motion. *Barrientos v. Wells Fargo*, 633 F.3d 1186, 1191 (9th Cir. 2011); FRBP 9020.

The debtor is well aware of the conversion order entered on December 5, 2017. The debtor is also well aware of his statutory obligations under Section 521 of the Bankruptcy Code, specifically the debtor's obligation to cooperate and turn over property of the bankruptcy estate to the Chapter 7 Trustee. See 11 USC § 521(a)(4).

The debtor asserts that he does not have access to the accounts in order to assist the Trustee. However, access to the accounts is not the issue. The Trustee has provided to the debtor two forms that the defendants require he sign and upon doing such, the defendants will release the funds in the foreign accounts to the Trustee. (See Exhibits E and F)

The debtor was not prevented by any party from complying with his statutory obligations under 11 USC § 521 nor this court's order of December 5, 2017.

Most important, this court should issue a further order restricting the debtor's access to the foreign accounts. If the debtor were to gain access to the foreign accounts and remove those funds, the Trustee and the estate could lose in excess of \$350,000 that would benefit the unsecured creditors. There is no burden on the debtor if the court enters such an order, including a turnover order, since the debtor has a statutory obligation to turn over the funds in the foreign accounts to the Trustee.

CONCLUSION

The debtor has intentionally violated this court's order and failed to cooperate with the Trustee by simply executing two documents required to release the funds held in the overseas accounts. This court should enter an order to show cause re contempt of court for debtor's continued violation of the is court's order and for entry of an injunction restraining the debtor's

///

///

///

access to the accounts held by defendants, including a turnover order, and for such other relief as the court deems just and proper.

DATED this 30th day of July, 2018.

/s/ Stephen P. Arnot
Stephen P. Arnot, OSB #070765
Attorneys for Trustee
WILLIAMS, KASTNER GREENE & MARKLEY
1515 SW Fifth Avenue, Suite 600
Portland, OR 97201-5449
Telephone: (503) 228-7967
Fax: (503) 222-7261
sarnot@williamskastner.com

CERTIFICATE OF SERVICE

I certify that I served the foregoing CHAPTER 7 TRUSTEE'S MOTION FOR ORDER TO SHOW CAUSE RE CONTEMPT FOR CONTINUED VIOLATION OF THIS COURT'S ORDER, RESTRICTING DEBTOR'S ACCESS TO FOREIGN ACCOUNTS AND TURNOVER OF ESTATE PROPERTY on the following attorneys by the method indicated below on the 30th day of July, 2018:

Peter Szanto
11 Shore Pine
Newport Beach, CA 92657

Email: szanto.pete@gmail.com

<u>✓</u>	Via First Class Mail
<u> </u>	Via Federal Express
<u> </u>	Via Facsimile
<u> </u>	Via Hand-Delivery
<u>✓</u>	Via E-Mail
<u>✓</u>	Via Electronic Service by the court's E-filing system at the party's email address as recorded on the date of serve in the E-filing system.

/s/ Stephen P. Arnot
Stephen P. Arnot, OSB #070765
Attorneys for Chapter 7 Trustee

PETER SZANTO 949-887-2369
11 Shore Pine
Newport Beach CA 92657

US BANKRUPTCY COURT
DISTRICT OF OREGON

2018 AUG -7 AM 10:16

United States Bankruptcy Court

in and for the District of OREGON

1001 SW 5th Av., Portland OR 97204

In Re Peter Szanto

16 -bk-33185 pcm7

Debtor

Debtor's Notice of Motion and
Motion to Extend the Date of Hearing
Regarding Contempt

Hon. Judge Peter C. McKittrick, presiding

1. Plaintiff's Certification Relating to Pre-filing Conferral
(Certification Pursuant to LBR 7007-1(a))

Debtor telephoned Chapter 7 Trustee, Mr. Steve Arnot, on 8-3rd -
2018 to discuss the matters presented herein. The calls went to voice mail
and debtor requested a return call, ASAP.

That same day Mr. Arnot telephoned debtor and the parties had a
lengthy conversation without any final conclusion.

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1
2 Thus, pursuant to rule, debtor has sought conferral, conferral did
3 occur, but there has been no success in agreeing to resolution.
4

5 I certify under penalty of perjury under the laws of the United States, that
6 foregoing is true and correct. Signed at Irvine CA.
7

8 DATED 8-3-2018 /s/  Peter Szanto
9
10

11 **2. Essential Facts**
12

13 When this Chapter 7 proceeding began in November 2017, debtor
14 was, immediately and without notice, deprived of access to his brokerage
15 and bank accounts.
16

17 Through phone calls from various customer service agents at said
18 banks and brokerage companies, alerting debtor to events such as stock
19 exercises, stock assignments and bank overdrafts, debtor realized that his
20 proprietary software which he had developed and put in place to control
21 and administer his accounts was now "off line." Without total and complete
22 co-ordination of the various financial tools which debtor managed and
23 utilized, the ability to utilize the management and supervision from the
24 various integrated applications and software driver tools, unexpected
25 **trading losses, unplanned withdrawals and unauthorized transfers.**
26

Debtor's efforts to contact Trustee Arnot regarding this situation as it "spun out of control" (throughout December 2017) were unsuccessful.¹

When Mr. Arnot returned in January 2018, Arnot raised "fire and brimstone" with debtor regarding alleged transfers of money to Australia and Singapore.

Debtor was surprised by Arnot's allegation, because all of debtor's understanding was that the foreign currency accounts (used to trade and hedge currencies versus stock positions debtor had established at HSBC Bank in the United States) were monies which always stayed in the United States at all times.

Since Mr. Arnot contacted HSBC in the United States, debtor has been treated like a pariah by HSBC Bank – and no one at HSBC has returned any of debtor's phone calls and requests for information about his accounts. Likewise, as the Motion to Remove Mr. Arnot demonstrated, HSBC believes itself to be immune from compliance with the subpoena rules and requirements of FRCP 45 when propounded by debtor.

1. One recurring theme in Mr. Arnot's conversations with debtor is that debtor is not co-operative. Debtor's immense co-operation and unending transparency will be discussed momentarily. However, in further effort to make demonstration of even greater efforts to be co-operative, debtor makes the suggestion that the Chapter 7 Trustee should delegate his duties and responsibilities to others whenever he is away and cannot be readily contacted (specifically persons who have authority to stem the dissipation and unnecessary waste, as in the instant situation, in a debtor's estate).

1
2 **a. More and Greater Showing of Debtor's Diligence and Efforts**

3
4 On January 2nd or 3rd, 2018, debtor was accused by Mr. Arnot of
5 not complying with this Court's turnover orders regarding money at HSBC
6 Bank in the United States. Debtor immediately made extraordinary efforts
7 to contact HSBC Bank in the United States, but was thwarted at every step.
8 No one at HSBC, after the issuance of the conversion order, has ever
9 bothered to return even one of debtor's requests for communication. HSBC
10 Bank has simply disregarded every effort by debtor to know various
11 important matters regarding his accounts and to obtain the records thereof
12 (so as to resolve all misunderstanding regarding debtor's finances).

13 Immediately, debtor, based solely and exclusively on the many
14 representations debtor received from Mr. Arnot – that money had been
15 transferred to Australia and Singapore took the further extraordinary steps
16 of contacting the HSBC Bank organizations in those two countries.²

17
18 This meant contacting HSBC Bank officers in Australia and
19 Singapore who had absolutely no familiarity with any of debtor's accounts
20 so as to clear up the various confusions regarding the matter relating to
21 debtor's foreign currency trading (which debtor believed at all times were
22 occurring in the United States though debtor's United States accounts).

23
24 ***2. Phone calls to these countries are not cheap and becoming clear about***
25 ***time differences to reach persons during business hours is also not easy.***

1
2 Debtor discovered to his shock and surprise, that money which
3 had always been represented to him as being located in the United States
4 was actually in Australia. Within a few days, debtor arranged for the return
5 of these monies to HSBC in the United States [EXHIBIT A]. These
6 documents [EXHIBIT A] were immediately provided to Mr. Arnot.

7
8 **No money was ever in debtor's possession and the entire set**
9 **of transactions was entirely for the benefit of debtor's estate.**

10
11 **AND TO BE COMPLIANT WITH THE RULES THAT ALL MONEY**
12 **BE UNDER THE CONTROL OF THE TRUSTEE!!!!**

13
14 Debtor undertook and completed all this work in full, complete and
15 total co-operation with his duties, with neither instruction nor participation
16 from Mr. Arnot and in the belief that it would further his efforts quickly to
17 emerge from Bankruptcy.

18 **Debtor was apprised of the situation on January 2nd or 3rd,**
19 **2018 and the money was back in the United States by January 10,**
20 **2018 [EXHIBIT A].**

21
22 Debtor was told by the various persons he contacted in Australia
23 that all of the money which had been transferred from HSBC Bank in the
24 United States was now entirely and totally returned to to United States.
25 This occurred prior to January 10, 2018.

1
2 As for HSBC in Singapore (again in the January 2-10th, 2018
3 time period). After a multitude of phone calls to a multitude of bank officers
4 at HSBC Singapore, debtor was told that all monies from the United States
5 had been returned. However, debtor was told that because all of the
6 communications were telephonic, debtor was not entitled to any written
7 advice of these facts.

8
9 Again, all of these events regarding debtor expending his efforts to
10 ensure return of money to the Trustee Arnot occurred in the first 10 days
11 of January 2018.

12
13 **b. Irrespective of All of Debtor's Efforts, Mr. Arnot Continues to Rely**
14 **on Representations of Persons Whose Tasks are Merely Clerical**

15 After, the above described events, Mr. Arnot did not communicate
16 further with debtor regarding debtor's accounts at HSBC Bank. Nor did Mr.
17 Arnot question debtor's efforts at management and supervision of debtor's
18 accounts at HSBC Bank to be compliant with conversion. Nor was there
19 any communication regarding debtor's expending time and effort to obtain
20 return of all monies to Trustee Arnot and debtor's Bankruptcy estate.

21
22 Mr. Arnot has relied only on hearsay statements from persons
23 whose job function at HSBC Bank is to respond to subpoenas. And **NOT**
24 person's whose responsibilities include administrative banking functions,
25 accounting tasks or management of client relationship responsibilities.

1
2 Mr. Arnot's continuing disbelief of debtor, fueled and aggrandized
3 by multitudes of statements of disbelief regarding debtor from many other
4 persons, **overpowered all of Mr. Arnot's objective analysis of the**
5 **issues** related to money transfers which Arnot sought to assess.
6

7 After January 10, 2018, Mr. Arnot told debtor of no further issue
8 regarding ANY HSBC Bank matter. Mr. Arnot told debtor of no further
9 action in ANY HSBC Bank matter, made no further requests of debtor
10 regarding the HSBC Bank matter and did not apprise debtor of anything
11 that was occurring regarding ANY HSBC Bank matter.
12

13 Nonetheless, on April 10, 2018, Mr. Arnot filed an adversarial
14 action in this Court (18-ap-3029) against HSBC Bank.
15

16 **Regardless of any other issue in this case, by the filing of an**
17 **action against HSBC, Mr. Arnot represented to this Court that he knew**
18 **and that he understood that debtor did not have any control over any**
19 **moneys which might be at HSBC BANK of any type! That is, why**
20 **would Arnot sue HSBC if he thouht debtor controlled any money?**
21

22 To reiterate, debtor did everything in his power to secure return
23 of estate money to the trustee **by January 10, 2018**. For three months,
24 Mr. Arnot apparently had no thoughts of this matter. On April 10, 2018,
25 Mr. Arnot decided that more money could be obtained and so sued HSBC.
26 **Again confirming that debtor controlled nothing at HSBC Bank!!**
27

1
2 Then, from April 10, 2018 until July 9, 2018, the matter was not
3 prosecuted, but instead was stipulated to be stayed.
4

5 **Now, apparently because Mr. Arnot is unable to secure any**
6 **statement from HSBC (in either Australia or Singapore) that debtor**
7 **has no money at HSBC Bank, the burden of proving (THE NEGATIVE)**
8 **that debtor has neither dominion nor control over any money at HSBC**
9 **Bank in Singapore or Australia falls on Peter Szanto.**

10
11 Of course, the most significant consideration is this: Mr. Arnot
12 has controlled all of debtor's estate for 10 months now. All instructions Mr.
13 Arnot has given to HSBC Bank have been respected and carried out. There
14 is nothing debtor can do regarding HSBC Bank in Australia or Singapore,
15 nothing which debtor can control at HSBC Bank and nothing over which
16 debtor continues to have any authority at HSBC Bank in the United States.

17 Upon these basis, Mr. Arnot is seeking that the Court find debtor in
18 contempt regarding matters **regarding which debtor has absolutely no**
19 **control, no dominion, no authority, no possession and no influence.**
20

21 To reiterate, Mr. Arnot, armed with valid court orders has been
22 able to seize approximately \$1.3 million of debtor's assets. Mr. Arnot now
23 seeks to hold debtor in contempt **upon Arnot's own and solitary mere**
24 **speculation** that in some manner, somehow, debtor still has funds which
25 belong to the Bankruptcy estate.

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1
2 Now, after 10 months of attempting to secure money from HSBC,
3 which the record shows that Mr. Arnot has successfully recovered, the
4 effort has now returned to seeking to exert further punitive efforts against
5 debtor – not merely to recover money – but to make certain that debtor is
6 made to look ridiculous and contemptuous before Judge McKittrick.

7
8 Again, the purpose is not to secure money, but rather to drive one
9 final nail in debtor's coffin to make certain that every shred of credibility is
10 destroyed so as to make certain that debtor will not be able to recover any
11 of his money whatsoever.

12
13 **c. Debtor's Further Efforts and Prayer to Stay Contempt Hearing**
14

15 In debtor's further and continuing efforts **to be co-operative, to be**
16 **transparent and to be of assistance**, debtor articulates his proposal to
17 resolve all of the issues related to Mr. Arnot's concerns regarding debtor's
18 failure to turn over estate assets through further effort.

19
20 First, based on efforts in the first week of January 2018, during
21 which \$81,383.99 [EXHIBIT A] was returned to HSBC Bank and handed
22 over to Mr. Arnot, debtor contends that there is proof that no estate assets
23 are at HSBC Bank in Australia. Therefore, debtor contends there is no
24 issue at all regarding HSBC Australia (please see debtor's declaration for
25 further proof of facts).

1
2 Second, based on debtor's conversations with persons at HSBC
3 Bank in Singapore, debtor is anxious to ascertain for himself what has
4 occurred in Singapore regarding any of his Bankruptcy estate's assets.

5
6 Based on many conversations with Banking officers at HSBC Bank
7 Singapore, debtor realizes no information of any sort will be provided to him
8 unless debtor makes a personal appearance at HSBC Bank Singapore's
9 offices in Singapore.

10 To accomplish this objective, debtor will personally travel to
11 Singapore to obtain information about any account or money which may be
12 at HSBC Bank in Singapore.³ Thereafter, debtor will provide Trustee Arnot
13 with complete proof of the status of funds in Singapore.

14 Additionally, as explained in debtor's declaration, two other crucial
15 opportunities can also be accomplished on debtor's journey to Singapore:
16 1st) the National University of Singapore Medical School is the leading
17 research and experimentation facility regarding the muscle destroying
18 melanoma with which debtor is afflicted (debtor has already spoken with
19 several physicians there to schedule consultations and exams while he is in
20 Singapore); 2nd) As the Court knows, one of debtor's skills is in equine
21 health. Debtor has spoken with the president of the Singapore Polo Club to
22 obtain employment supporting the Club's stable's horses' well being.
23 Debtor will be interviewing for the position while in Singapore.

24
25 **3. Though debtor is financially destitute, he will secure travel and lodging**
26 **with American Express Travel Points he long ago accumulated.**

1
2 Thereupon, debtor prays for postponement of the contempt
3 hearing until after October 1, 2018, at which time debtor will have obtained
4 materials demonstrating that there are no funds at HSBC Bank in
5 Singapore or Australia under his control, dominion or custody.
6

7
8 **3. Memorandum**
9

10 Debtor seeks to extend the time of the Contempt Motion hearing.
11 Presently, the hearing^{is} are scheduled for 8-23-2018. Debtor seeks an
12 extension as to that hearing for the several good causes described below.
13

14 FRBP Rule 9006(b)(1) is the rule which allows for enlargement
15 and extension of time and provides (no local alters this rule):
16

17 *"In general. Except as provided in paragraphs (2) and (3) of*
18 *this subdivision, when an act is required or allowed to be*
19 *done at or within a specified period by these rules or by a*
20 *notice given thereunder or by order of court, the court for*
21 *cause shown may at any time in its discretion (1) with or*
22 *without motion or notice order the period enlarged if the*
request therefor is made before the expiration of the period
originally prescribed or as extended by a previous order."

23 This application is being sent for filing on 8-5-2018, eightten days
24 before the date of the hearing and so the only requirement for relief is good
25 cause.
26

27 16-bk-33185

28 Motion 8-3-2018 – pg. 11

1
2 The first good cause is that if there are estate assets remaining at
3 HSBC Bank Singapore, debtor will be able fully to report about those facts
4 after making personal inquiry at HSBC Singapore Bank.
5

6 The second good cause is that Mr. Arnot's accusations are without
7 actual facts and rely wholly on hearsay. Debtor will make investigation and
8 report to the Court truthfully from direct observation and inquiry.
9

10 The third good cause ~~is~~ relates to the fact that debtor's continuing
11 poor health can benefit from medical consultation and treatment available
12 in Singapore.
13

14 The fourth good cause is debtor seeking employment in a field
15 in which he has expertise and skill. Precisely such a job is available which
16 may be secured through interview during debtor's journey to Singapore.
17

18 **4. Declaration of Peter Szanto**

19

- 20 1. My name is Peter Szanto, I am the debtor herein.
21
22 2. This is my truthful declaration regarding preparation for the
23 hearing regarding contempt and the need for postponement of that
24 hearing.
25

- 1
- 2 3. Prior to November 2017, my proprietary trading programs had
- 3 specific instruction settings to purchase Singapore dollars and
- 4 Australian dollars under certain circumstances of market stress
- 5 and uncertainty.
- 6
- 7 4. The Singapore dollars and Australian dollars purchase instructions
- 8 began to be executed when I no longer has access to my trading
- 9 accounts, because my programs interpreted market conditions
- 10 to be such that they carried out the purchase of Singapore dollars
- 11 and Australian dollars.
- 12
- 13 5. All purchases of Singapore dollars and Australian dollars were
- 14 understood by me to be occurring in the United States.
- 15
- 16 6. When I learned in January 2018 that money had actually gone to
- 17 Singapore and Australia, I took immediate action to make certain
- 18 that money was returned to the United States and to the control
- 19 of Trustee Arnot.
- 20 7. At that time, January 10, 2018, I was assured^{by} HSBC Bank
- 21 personnel in Singapore and Australia that there were no funds
- 22 belonging to me in Australia or Singapore.
- 23
- 24 8. I repeated my investigations again during the last week of July
- 25 2018.

1
2 9. To the best of my knowledge based on information which I have
3 received from HSBC Bank personnel in Singapore and Australia,
4 as of August 5, 2018, there are no funds belonging to me in
5 Australia or Singapore.

6
7 10. From my conversations with Mr. Arnot, I will testify that from
8 January 2018 until filing the contempt motion, Mr. Arnot made no
9 allegations against me regarding contentions that I had control
10 over any estate assets.

11
12 11. My proof of these facts is also based on money transfer advice
13 which I received from HSBC Bank Australia [EXHIBIT A] and
14 Statements made to me by HSBC Bank Singapore personnel at
15 that same time in January 2018.

16
17 12. My certainty about these facts was reconfirmed by my
18 repeated investigations in the last week of July 2018.

19
20 13. Mr. Arnot has controlled all of my Bankruptcy estate for 10
21 months now.

22
23 14. All instructions Mr. Arnot gives to HSBC Bank are respected
24 and carried out.

1
2 15. There is nothing which debtor can do regarding HSBC bank.
3

4 16. There is nothing which debtor can control at HSBC Bank and
5 nothing over which debtor continues to have any authority at
6 HSBC Bank.
7

8 17. Upon these facts, I intend to travel to Singapore at my own
9 expense to secure complete information about the situation.
10

11 18. While in Singapore, I will also be seeking medical consultation
12 regarding my continuing melanoma therapy at the National
13 University's medical center.
14

15 19. I believe to a reasonable certainty that additional medical
16 consultation will be helpful to my health.
17

18 20. While in Singapore, I will also be seeking employment in the
19 field of equine health in which I have extensive experience.
20

21 21. Post-petition employment will assist me in overcoming the
22 destitution in which I am currently living.
23

24 22. I believe that traveling to Singapore is essential to resolving this
25 matter completely.
26

23. Thereon, I pray postponement of the Contempt Motion so that I can carry out further investigation as to the matter which has caused the trustee to seek contempt proceedings against me.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Signed at Irvine CA.

Dated 5 Aug. 2018 /s/  Peter Szanto

5. Conclusion

Debtor requests an extension of the hearing ~~to~~ regarding contempt.

The good cause for postponement is to demonstrate that the Trustee's accusations against debtor have no basis in fact and that all property of debtor's Bankruptcy estate is already with the Trustee.

Respectfully,

Dated 5 August /2018 /s/  Peter Szanto

1
2 **PROOF OF SERVICE**
3

4 **My name is Maquisha Reynolds, I am over 21 years of age and not a**
5 **party to the with action. My business address is PO Box 10451, Newport**
6 **Beach CA 92660. On the date indicated below, I personally served the**
7 **within:**

8 **MOTION**
9

- 10 a. Internal Revenue Service, PO Box 7346, Philadelphia PA 19101
11 b. First Service Residential, 15241 Laguna Canyon Rd, Irvine CA 92618
12 c. JPMorgan Chase Bank, represented by:
13 Cara Richter c/o Shapiro & Sutherland
14 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
15 d. Bank of America, c/o McCarthy & Holthus
16 920 SW 3rd Av., Portland OR 97204
17 e. Oregon Department of Revenue, 955 Center St., Salem OR 97301
18 f. Chapter 7 Trustee, Stephen P Arnot, POBox 1963, Lake Oswego OR 97035
19 by e-mail to arnotlaw@sbcglobal.net
20 g. Susan Szanto, 11 Shore Pine, Newport Beach CA 92657

21 **by mailing copies to the above parties *via* 1st class mail, postage**
22 **prepaid, or by e-mail.**

23 **I declare under penalty of perjury under the laws of the United States**
24 **that the foregoing is true and correct. Signed at Irvine CA.**

25 **Dated 8-6-2018** *Maquisha Reynolds* **Maquisha Reynolds**
26



HSBC BANK USA, N.A.

OUR REF # 010309791
DATE: 10/JAN/2018
BOOK TRANSFER CREDIT ADVICE

CREDIT A/C # T278527256
REF:AUK10018RKOWY41S
001146
PETER SZANTO
PO BOX 14894
IRVINE, CA 92623-4894

*****\$20,372.01

ML01538

REF:
B/O:



HSBC BANK AUSTRALIA LIMITED



REMITTER INFORMATION:ORG=A/C-AUHKBA091102186102, MR PETER SZANTO, 11 SHORE PINE DRIVE, NEWPORT BEACH, CALIFORNIA/US, OGB=HSBC BANK AUSTRALIA LIMITED, ATT: FINANCIAL CONTROL DEPARTMENT, HSBC CENTRE L/6 580 GEORGE STREET, SYDNEY NSW 2000 AUSTRALIA, OBI=RETURN OF FUNDS AS PER HBUS REQUESTPETER SZANTO

BENEFICIARY INFORMATION:BNF=A/C-278527256, SZANTO
94 IRVINE CA 92623-4894 U, S,

PETER, PO BOX 148

HSBC Bank USA

nnnnnn 01 01 001146 001464 P

A-1



HSBC BANK USA, N.A.

OUR REF # 010309823
DATE: 10/JAN/2018
BOOK TRANSFER CREDIT ADVICE

CREDIT A/C # T313566836
REF:AUK10018RK0WYBB4
001237
PETER SZANTO
PO BOX 14894
IRVINE, CA 92623-4894

*****\$60,001.99

ML01652

REF:
B/O:

HSBC BANK AUSTRALIA LIMITED



REMITTER INFORMATION:ORG=A/C-AUHKBA091102186102, MR PETER SZANTO, 11 SHORE PINE DRIVE, NEWPORT BEACH, CALIFORNIA/US, OGB=HSBC BANK AUSTRALIA LIMITED, ATT: FINANCIAL CONTROL DEPARTMENT, HSBC CENTRE L/6 580 GEORGE STREET, SYDNEY NSW 2000 AUSTRALIA, OBI=RETURN OF FUNDS AS PER HBUS REQUESTPETER SZANTO

BENEFICIARY INFORMATION:BNF=A/C-313566836, SZANTO
94 IRVINE CA 92623-4894 U, S,

PETER, PO BOX 148

HSBC Bank USA

nnnnnn 01 01 001237 001572 P

A-2



HSBC BANK USA, N.A.

OUR REF # 010309776
DATE: 10/JAN/2018
BOOK TRANSFER CREDIT ADVICE

CREDIT A/C # T313572046
REF:AUK10018RK0WXXTS
001238
PETER SZANTO
PO BOX 14894
IRVINE, CA 92623-4894

*****\$1,009.99

ML01653

REF:
B/O:

HSBC BANK AUSTRALIA LIMITED



REMITTER INFORMATION:ORG=A/C-AUHKBA091102186102, MR PETER SZANTO, 11 SHORE PINE DRIVE, NEWPORT BEACH, CALIFORNIA/US, OGB=HSBC BANK AUSTRALIA LIMITED, ATT: FINANCIAL CONTROL DEPARTMENT, HSBC CENTRE L/6 580 GEORGE STREET, SYDNEY NSW 2000 AUSTRALIA, OBI=RETURN OF FUNDS AS PER HBUS REQUEST PETER SZANTO

BENEFICIARY INFORMATION:BNF=A/C-313572046, SZANTO
94 IRVINE CA 92623-4894 U, S,

PETER, PO BOX 148

HSBC Bank USA

nnnnnn 01 01 001238 001573 P

A-3

CLERK U.S. BANKRUPTCY COURT
DISTRICT OF OREGON

AUG - 7 2018



ORIGIN ID: DTHA (949) 887-2369
SZANTO
SZANTO
P.O. BOX 14894

IRVINE, CA 92623
UNITED STATES US

SHIP DATE: 06AUG18
ACTWGT: 0.50 LB
CAD: 112243018/NET4040

BILL SENDER

RT 537
xpress

TO CLERK-DIST OREGON
US BANKRUPTCY COURT PORTLAND
1001 SW 5TH AVE #700
ROOM 700 @ 1001 SW 5TH AV
PORTLAND OR 97204

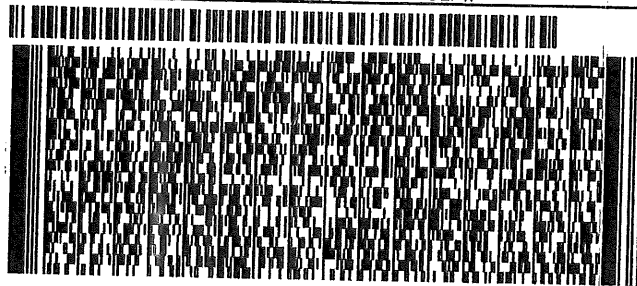
(503) 610-0865

REF:

INV:
PO:

DEPT:

3 10:30
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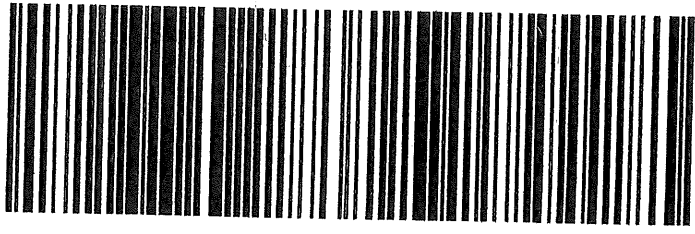


TUE - 07 AUG 10:30A
PRIORITY OVERNIGHT

TRK# 7729 1013 1315
0201

WS MRIA

97204
OR-US PDX



Extremely Urgent

08/14/2018

TUESDAY

Judge Peter C McKittrick

9:30 AM 16-33185 pcm 7 bk

Peter Szanto

Debtor's Notice of Motion and Motion to Extend the Date of Hearing Regarding 533 Motion For Contempt (546)

Peter Szanto - db X

Stephen P Arnot - tr

STEPHEN P ARNOT X

Stephen P Arnot - tr

Evidentiary Hearing: Yes: ☐ No: ☒

Debtor's Motion to set over hearing set on 8/23/18 re: Trustee's Motion for Contempt is Denied for reasons stated on the record.

Order to be prepared by: ☐ Clerk's Office ☐ Chambers ☐

DOCKET ENTRY:

Run Date: 08/14/18

PETER SZANTO 949-887-2369
11 Shore Pine
Newport Beach CA 92657

US BANKRUPTCY COURT
DISTRICT OF OREGON

2018 AUG 13 AM 11:13

LODGED REC'D 12

NO DOCKETED

United States Bankruptcy Court

in and for the District of OREGON

1001 SW 5th Av., Portland OR 97204

In Re Peter Szanto

16 -bk-33185 pcm7

Debtor

Debtor's Response to
Trustee's Contempt Motion

Hon. Judge Peter C. McKittrick, presiding

1. Summary Of Debtor's Response

Yet again debtor is accused of matters which are untrue!!!

Yet again debtor is called upon to defend himself against matters about which he has already presented a defense, presented evidence and presented oral and written testimony.

SINCE THE LAST TIME THIS MATTER CAME BEFORE THIS COURT, **ABSOLUTE PROOF NOW EXISTS THAT THE TRUSTEE IS FULLY AWARE OF HIS IMPROPER ATTACK UPON DEBTOR: SUCH SUFFICIENT AND AMPLE PROOF IS THE FACT OF THE TRUSTEE'S CURRENT ADVERSARIAL PROCEEDING AGAINST HSBC BANK (CASE # 18-ap-3029)**, wherein the trustee seeks the identical relief as in the instant motion.

16-bk-33185

Response re Contempt 8-23-2018 – pg. 1

1
2 A case where the issue of multiple filings seeking identical relief resulted
3 in the offender being sanctioned for that fact alone is *Matter of Property Management*
4 *and Investments* (1987) 69 BR 610.

5 In the present case, the Trustee's allegations relate to matters alleged to
6 have occurred after the 12/5/17 conversion. Specifically at page 2 of the Motion, second
7 ¶, first line:

8 "From December 4, 2017 to December 8, 2017 the debtor transferred from his HSBC
9 Bank USA the aggregate sum of \$423,904 to HSBC Bank Australia Ltd. and HSBC
10 Bank Singapore Ltd. (See Exhibits A and C.) The Trustee has also located another
\$199,998 transferred to HSBC Bank Singapore and HSBC Bank Australia on June 2017.
(See Exhibit D.)"

11 / NUMBERED EXHIBIT B HEREIN

12 Examining the Trustee's "EXHIBIT A." That document is merely the
13 Trustees own calculation of what? IT IS NOT EVIDENCE! The alleged transfers are
14 merely grouped together without any direct connection to any documents which show
15 either – or any -- transfers of any sort or kind – or any indication of any manner that any
transfers at any time were authorized, or undertaken, by debtor.

16 "EXHIBIT A" merely groups together items which the Trustee contends
17 have connection and demands that this Court perceive a connection, because the
18 Trustee has put disparate facts on the same piece of paper.

19 / NUMBERED EXHIBIT B HEREIN

20 Starting with the Trustee's "EXHIBIT A's" commencing fact that \$950,052 was at
21 E-Trade; examine now [DEBTOR'S EXHIBIT C]¹ (Items 1, 2, 3, 4) the amounts Trustee
22 states came from E-TRADE: \$566,877.70+\$112,987.40+\$9,829.87+\$0.04 which
equals=\$689,695.11. Now, \$950,052-\$689695= **\$260,356**. AND NOT THE \$423,904
WHICH THE TRUSTEE STATES WAS TRANSFERRED!

23 =====

24 **1. [EXHIBIT C] This is the Trustee's record of money taken from Debtor as of**
25 **1/17/18, Trustee did not support this document with evidence of any type.**

26 16-bk-33185

Response re Contempt 8-23-2018 – pg. 2

1
2 From that \$260,356, the Trustee at Motion, p.2, ¶ 3, admits that \$81,602 was turned
3 over. [\$260,356 - \$81,602 = \$178,754].

4
5 **THUS USING THE TRUSTEE'S OWN CALCULATIONS ONLY**
6 **\$178,754 IS ACTUALLY SHOWN BY THE TRUSTEE'S OWN WORK TO**
7 **BE "MISSING" OR NOT IN HIS POSSESSION.**

8 As the recitation below explains, debtor expended immense efforts to make
9 certain that \$81,383.99 [EXHIBIT A] was returned to HSBC Bank and handed over to
10 Mr. Arnot.²

11 **THUS USING THE TRUSTEE'S OWN CALCULATIONS ONLY**
12 **\$178,754 IS ACTUALLY SHOWN BY THE TRUSTEE'S OWN WORK TO**
13 **BE "MISSING" OR NOT IN HIS POSSESSION --- AND NOW FURTHER**
14 **DEDUCTING \$81.383.99 [\$178,754-\$81,384 = \$97,370].**

15
16 **UPON THE TRUSTEE'S OWN CALCULATIONS [AS WELL AS**
17 **MONEY HE PURPOSEFULLY NEGLECTED TO ENUMERATE] ONLY**
18 **\$97,370 ARE IN QUESTION !!!!**

19 Debtor would certainly be able to demonstrate to the Court the nature of any
20 amount were he actually permitted access to his accounts. Since the time that Trustee
21 Arnot commenced his Trusteeship debtor has been deprived of all access to his
22 financial accounts.

23 *2. No other fact is as significant as this item, in demonstrating Trustee Arnot failing to*
24 *account anywhere for money that was specifically intended to satisfy his allegations*
25 *regarding money allegedly sent overseas. Arnot simply did not reveal this money of*
26 *which he was apprised by January 10, 2018. Arnot even tried to evade his knowledge*
27 *of this item in the present motion!!!!*

28 16-bk-33185 Response re Contempt 8-23-2018 – pg. 3

2. Essential Facts

At the start of this Chapter 7 proceeding began in November 2017, debtor was, immediately and without notice, deprived of access to his brokerage and bank accounts. (A total of approximately \$1,300,000.00)

Through phone calls from various customer service agents at said banks and brokerage companies, alerting debtor to events such as stock exercises, stock assignments and bank overdrafts, debtor realized that his proprietary software which he had developed and put in place to control and administer his accounts was now "off line." Without total and complete co-ordination of the various financial tools which debtor managed and utilized, the ability to employ the management and supervision from the various integrated applications and software driver tools, unexpected consequences began to occur. Prime among these were unnecessary trading losses, unplanned withdrawals and unauthorized transfers.

Debtor's efforts to contact Trustee Arnot regarding this situation as it "spun out of control" (throughout December 2017) were unsuccessful.³

3. One recurring theme in Mr. Arnot's conversations with debtor is that debtor is not co-operative. Debtor's immense co-operation and unending transparency will be discussed momentarily. However, in further effort to make demonstration of even greater efforts to be co-operative, debtor makes the suggestion that the Chapter 7 Trustee should delegate his duties and responsibilities to others whenever he is away and cannot be readily contacted (specifically persons who have authority to stem the dissipation and unnecessary waste, as in the instant situation, in a debtor's estate).

1
2 When Mr. Arnot returned in January 2018, Arnot raised “fire and brimstone”
3 with debtor regarding alleged transfers of money to Australia and Singapore.

4
5 Debtor was surprised by Arnot’s allegation, because all of debtor’s
6 understanding was that the foreign currency accounts (used to trade and hedge
7 currencies versus stock positions debtor had established at HSBC Bank in the United
8 States) were monies which always stayed in the United States at all times.

9 Since Mr. Arnot contacted HSBC in the United States, debtor has been treated
10 like a pariah by HSBC Bank – and no one at HSBC has returned any of debtor’s phone
11 calls and requests for information about his accounts. Likewise, as the Motion to
12 Remove Mr. Arnot demonstrated, HSBC believes itself to be immune from compliance
13 with the subpoena rules and requirements of FRCP 45 when propounded by debtor.

14 **a. More and Greater Showing of Debtor’s Diligence and Efforts**

15
16 On January 2nd or 3rd, 2018, debtor was accused by Mr. Arnot of not
17 complying with this Court’s turnover orders regarding money at HSBC Bank in the
18 United States. Debtor immediately made extraordinary efforts to contact HSBC Bank in
19 the United States, but was thwarted at every step. No one at HSBC, after the issuance
20 of the conversion order, has ever bothered to return even one of debtor’s requests for
21 communication. HSBC Bank has simply disregarded every effort by debtor to know
22 various important matters regarding his accounts and to obtain the records thereof (so
23 as to resolve all misunderstanding regarding debtor’s finances).

24 Immediately, debtor, based solely and exclusively on the many representations
25 debtor received from Mr. Arnot – that money had been transferred to Australia and
26 Singapore took the further extraordinary steps of contacting the HSBC Bank

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1
2 organizations in those two countries.⁴
3

4 This meant contacting HSBC Bank officers in Australia and Singapore who had
5 absolutely no familiarity with any of debtor's accounts so as to clear up the various
6 confusions regarding the matter relating to debtor's foreign currency trading (which
7 debtor believed at all times were occurring in the United States though debtor's United
8 States accounts).

9 Debtor discovered to his absolutely shock and surprise, that some of the
10 money which had always been represented to him as being located in the United States
11 was actually in Australia. Within a few days, debtor arranged for the return of these
12 monies to HSBC in the United States [EXHIBIT A]. These documents [EXHIBIT A] were
13 immediately provided to Mr. Arnot (but intentionally suppressed by Mr. Arnot from being
14 revealed to this Court).

15 No money was ever in debtor's possession and the entire set
16 of transactions was entirely for the benefit of debtor's estate.

17 AND TO BE COMPLIANT WITH THE RULES THAT ALL MONEY
18 BE UNDER THE CONTROL OF THE TRUSTEE!!!!

19
20 AND THESE MATTERS WERE RESOLVED BY 1-10-2018;
21 9 MONTHS AGO!!
22

23
24 ***4. Phone calls to these countries are not cheap and becoming clear about***
25 ***time differences to reach persons during business hours is also not easy.***

Debtor undertook and completed all this work in full, complete and total co-operation with his duties, with neither instruction nor participation from Mr. Arnot and in the belief that it would further his efforts quickly to emerge from Bankruptcy.

Debtor was apprised of the situation on January 2nd or 3rd, 2018 and the money was back in the United States by January 10, 2018 [EXHIBIT A].

Debtor was told by the various persons he contacted in Australia that all of the money which had been transferred from HSBC Bank in the United States was now entirely and totally returned to to United States. This occurred prior to January 10, 2018.

As for HSBC in Singapore (again in the January 2-10th, 2018 time period). After a multitude of phone calls to a multitude of bank officers at HSBC Singapore, debtor was told that all monies from the United States had been returned. However, debtor was told that because all of the communications were telephonic, debtor was not entitled to any written advice of these facts.

Again, all of these events regarding debtor expending his efforts to ensure return of money to Trustee Arnot **occurred in the first 10 days of January 2018.**

Debtor acted with speed, promptness and alacrity to resolve those matters of which he is obligated to accomplish so as to emerge from Bankruptcy in the manner provided for by law. Only 8 month later did the Trustee bother to castigate debtor for matters which had already been accomplished, but which provided the Trustee another opportunity to barratrichiously to be enriched with undeserved fees.

16-bk-33185

Response re Contempt 8-23-2018 – pg. 7

⊗ 8 months after debtor resolved matter did Arnot file contempt motion.

⊗ 9 months ago is when events happened.

1
2 **b. Irrespective of All of Debtor's Efforts, Mr. Arnot Continues to Rely**
3 **on Representations of Persons Whose Tasks are Merely Clerical**
4

5 After, the above described events, Mr. Arnot did not communicate further with
6 debtor regarding debtor's accounts at HSBC Bank. Nor did Mr. Arnot question debtor's
7 efforts at management and supervision of debtor's accounts at HSBC Bank to be
8 compliant with conversion. Nor was there any communication regarding debtor's
9 expending time and effort to obtain return of all monies to Trustee Arnot and debtor's
10 Bankruptcy estate.

11 Mr. Arnot has relied only on hearsay statements from persons whose job
12 function at HSBC Bank is to respond to subpoenas. And **NOT** person's whose
13 responsibilities include administrative banking functions, actual account service with
14 accounting tasks or management of client relationship responsibilities.

15 Mr. Arnot's continuing disbelief of debtor, fueled and aggrandized by multitudes
16 of statements of disbelief regarding debtor from many other persons, **overpowered all**
17 **of Mr. Arnot's objective analysis of the issues** related to money transfers which Mr.
18 Arnot sought to assess.

19 After January 10, 2018, Mr. Arnot told debtor of no further issue regarding **ANY**
20 HSBC Bank matter. Mr. Arnot told debtor of no further action in **ANY** HSBC Bank matter
21 -- Arnot made no further requests of debtor regarding the HSBC Bank matter and did
22 not apprise debtor of anything that was occurring regarding **ANY** HSBC Bank matter.

23 **Nonetheless, on April 10, 2018, Mr. Arnot filed an adversarial action in**
24 **this Court (18-ap-3029) against HSBC Bank.**

1
2 **Regardless of any other issue in this case, by the filing of an**
3 **action against HSBC, Mr. Arnot represented to this Court that he knew**
4 **and that he understood that debtor did not have any control over any**
5 **moneys which might be at HSBC BANK of any type! That is, why**
6 **would Arnot sue HSBC if he thought debtor controlled any money??**

7
8 To reiterate, debtor did everything in his power to secure return
9 of estate money to the trustee **by January 10, 2018**. For three months,
10 Mr. Arnot apparently had no thoughts of this matter. On April 10, 2018,
11 Mr. Arnot decided that more money could be obtained and so sued HSBC.
12 **Again confirming that debtor controlled nothing at HSBC Bank!!**

13 Then, from April 10, 2018 until July 9, 2018, the matter was not
14 prosecuted, but instead was stipulated to be stayed.

15 **Now, apparently because Mr. Arnot is unable to secure any**
16 **statement from HSBC (in either Australia or Singapore) that debtor**
17 **has no money at HSBC Bank, the burden of proving (THE NEGATIVE)**
18 **that debtor has neither dominion nor control over any money at HSBC**
19 **Bank in Singapore or Australia falls on Peter Szanto.**

20
21 Of course, the most significant consideration is this: Mr. Arnot has controlled all
22 of debtor's estate for 10 months now. All instructions Mr. Arnot has given to HSBC Bank
23 have been respected and carried out. There is nothing debtor can do regarding HSBC
24 Bank in Australia or Singapore, nothing which debtor can control at HSBC Bank and
25 nothing over which debtor continues to have any authority at HSBC Bank in the United
26 States.

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Response re Contempt 8-23-2018 – pg. 9

28 *✓ Since November 2017*

1
2 Upon these basis, Mr. Arnot is seeking that the Court find debtor in contempt
3 regarding matters regarding which debtor has absolutely no control, no dominion,
4 no authority, no possession and no influence.

5 To reiterate, Mr. Arnot, armed with valid court orders has been able to seize
6 approximately \$1.3 million of debtor's assets. Mr. Arnot now seeks to hold debtor in
7 contempt upon Arnot's own and solitary mere speculation that in some manner,
8 somehow, debtor still has funds which belong to the Bankruptcy estate.

9 Now, after 10 months of attempting to secure money from HSBC, which the
10 record shows that Mr. Arnot has successfully recovered, the effort has now returned to
11 seeking to exert further punitive efforts against debtor – not merely to recover money –
12 but to make certain that debtor is made to look ridiculous and contemptuous before
13 Judge McKittrick.

14 Again, the purpose is not to secure money, but rather to drive one final nail in
15 debtor's coffin to make certain that every shred of credibility is destroyed so as to make
16 certain that debtor will not be able to recover any of his money whatsoever.

17
18
19 **c. Trustee's Further Efforts to Terrorize Debtor**

20 The Trustee knows that a request to hold debtor in contempt will have a most
21 profound and devastating effect on debtor.

22
23 However, not once, not ever in Trustee's motion is there any concrete or
24 definitive identification of anything which debtor did. The accusation that debtor
25 undertook transfers is unsupported by any facts other than Mr. Arnot's accusation.

1
2 The truth of the matter is that after 11-30-2017, Mr. Arnot shut down debtor's
3 access to any of debtor's financial assets. The shutting down of debtor's access, then
4 thereafter replaced by access from Mr. Arnot and / or Ms McClurg only, opens the door
5 to the possibility one of those persons may have given instructions within the accounts
6 with unanticipated results.

7 In sum then, debtor has done all that was required and more!!!! Such behavior
8 is the opposite of contempt and should be lauded.

9
10 **3. Opposition Memorandum**

11
12 The Trustee relies exclusively on 11 USC 521(a)(4) which requires debtor to
13 surrender of property and records.

14 Here, debtor has surrendered all property in his possession as required. When
15 alerted (*see supra*) of money possibly in Australia, debtor acted with diligence and
16 had money returned to the Trustee. As for records, debtor never had any need to
17 download records (and thereby waste paper or invite possible security breaches), and
18 so when the Trustee barred debtor's access, debtor had no records in his possession
19 which he could provide to the Trustee.

20 **a. THERE IS NO DEMONSTRATION OF INTENT**

21 As far as debtor can tell an integral part of the Oregon Bar Exam must be to
22 test that a prospective attorney can write conclusorily. That is, that they can extrapolate
23 conclusions from words without the need to interject content, law, truth or facts. Debtor
24 believes this because all Oregon attorneys he has encountered in Judge McKittrick's
25 court are very highly praised for their conclusions without facts, law or truth.

1
2 At motion, pp. 3-4, the Trustee references to *Zilog* that intent is necessary for
3 contempt to lie, **but never articulates that debtor ever had any intent to withhold**
4 **anything!!** In other words, just another conclusion without facts, law or truth.

5 Reviewing, further, the entire of *Zilog* does not even use the word intent even
6 once, but rather focuses on whether an action was undertaken knowingly. Of course,
7 Arnot does not state what Szanto knew, or when Szanto knew it, but rather concludes
8 intent without facts, law or truth.

9 Here, debtor has testified (see declaration) that if any movement of money
10 occurred after the conversion date, it was without his knowledge or consent. Such an
11 assertion vitiates, destroys and makes unfeasible, any possibility of intent, because no
12 act of any sort was initiated by debtor regarding money transfer.

13
14 **b. More Ineffective Conclusory Comments Regarding Violations**

15 Trustee – conclusorily as always - cites to *Renwick*, which, in fact, has not held
16 that any party was in contempt, but merely, as in *Zilog*, requires intentional actions.
17 Through *Renwick*, Trustee has not identified any action which debtor committed other
18 than making the conclusory statement that debtor must have initiated transfers. (But
19 again, there is no evidence of transfers of any sort initiated by debtor. And so the entire
20 of Trustee's Motion because a mere arbitrary conclusion that debtor is to blame for
21 matters that are never even properly identified by Trustee.)

22 **c. Another Trustee Conclusion Without Facts as to Burdens Upon Debtor**

23 On p. 4 of the motion, the last sentence before the header "Conclusion," the
24 Trustee states **yet another conclusion without facts** that there is no burden on debtor
25 if the Court enters a contempt ORDER.

26 16-bk-33185

Response re Contempt 8-23-2018 – pg. 12

1
2 This is untrue, because any ORDER will demand that debtor do an act, that is
3 turnover money, which he cannot do. This is because no money is within debtor's
4 dominion, possession, control or authority. Such a burden is beyond even the BIBLICAL
5 proportions of challenging the ALLMIGHTY to demand that debtor do something which
6 he cannot do, because debtor has no pre-petition money in his control. And, more
7 importantly, because of the Trustee's deceit and treachery, HSBC Bank has not even
8 returned debtor's phone calls regarding any matter since the conversion ORDER.

9 Thus, any ORDER will be an immense – unfulfillable -- burden upon debtor,
10 because debtor will be required to do that which is impossible.

11 It is a "maxim that a court will not exercise its equity powers to compel one to
12 do that which is impossible." *State of New York v. Gorsuch* (1983) 554 F.Supp 1060,
13 1064. This Court should respect that maxim of fundamental law and not require debtor
14 to do what he cannot do, because of impossibility.

15 16 **4. Declaration of Peter Szanto**

- 17 1. My name is Peter Szanto, I am the debtor herein.
- 18
- 19 2. This is my truthful declaration supporting the opposition regarding
- 20 contempt.
- 21
- 22 3. Prior to November 2017, my proprietary trading programs had
- 23 specific instruction settings to purchase Singapore dollars and
- 24 Australian dollars under certain circumstances of market stress,
- 25 economic collapse and general uncertainty.

26 16-bk-33185

Response re Contempt 8-23-2018 – pg. 13

1
2 4. In December 2017, various Singapore dollar and Australian dollar
3 purchase instructions began to be executed when I no longer had
4 access to my trading accounts, because my programs interpreted
5 market conditions to be such that they carried out the purchase of
6 Singapore dollars and Australian dollars.

7
8 **5. All purchases of Singapore dollars and Australian dollars**
9 **were understood by me to be occurring in the United States.**

10
11 6. When I learned in January 2018 that money had actually gone to
12 Singapore and Australia, I took immediate action to make certain
13 that money was returned to the United States and to the control
14 of Trustee Arnot.

15
16 7. At that time, January 10, 2018, I was assured by HSBC Bank
17 personnel in Singapore and Australia that there were no funds
18 belonging to me in Australia or Singapore.

19
20 8. I repeated my investigations again during the last week of July
21 2018.

22
23 9. To the best of my knowledge based on information which I have
24 received from HSBC Bank personnel in Singapore and Australia,
25 as of August 13, 2018, there are no funds belonging to me in
26 Australia or Singapore.

1
2 10. Based on my conversations with Mr. Arnot, I now testify that
3 from January 2018 until filing the contempt motion, Mr. Arnot
4 made no allegations against me regarding contentions that I had
5 control over any estate assets outside of the United States.
6

7 11. My proof of these facts is also based on money transfer advice
8 which I received from HSBC Bank Australia [EXHIBIT A] and
9 statements made to me by HSBC Bank Singapore personnel at
10 that same time in January 2018.
11

12 12. My certainty about these facts was reconfirmed by my
13 repeated investigations in the last week of July 2018 with
14 HSBC personnel in Singapore and Australia.
15

16 13. Mr. Arnot has controlled all of my Bankruptcy estate for 10
17 months now.
18

19 14. All instructions Mr. Arnot gives to HSBC Bank are respected
20 and carried out.
21

22 15. It is my absolute belief that Mr. Arnot's current efforts are
23 merely focused on self-enrichment of himself and Mr. Blacklidge
24 (IE, to garner more fees, costs and expenses from a judge known
25 to despise debtor – and who will grant anybody anything so long
26 as it inflicts pain, misery and anguish upon Peter Szanto.
27
28

1
2 16. There is nothing which debtor can do regarding HSBC bank,
3 because HSBC has assured debtor that he has no money at
4 HSBC.

5
6 17. There is nothing which debtor can control at HSBC Bank and
7 nothing over which debtor continues to have any dominion or
8 authority at HSBC Bank.

9
10 18. Upon these facts, I intend to travel to Singapore at my own
11 expense to secure even more complete information about the
12 entire situation which Mr. Arnot claims indicates has estate assets.

13
14 19. I believe that traveling to Singapore is essential to resolving this
15 matter completely

16
17 20. I have had no volitional thought which manifests any intent to
18 withhold estate assets from the trustee's supervision.

19
20 21. I have complied with every Bankruptcy rule with which I have
21 been required to comply.

22
23 22. I will continue to comply with all Bankruptcy rules with which I
24 am required to comply.

1
2 23. As I have demonstrated, Mr. Arnot's calculations are flawed
3 and confused, and his belief that money is being withheld from him
4 is based on mathematical errors which are painfully evident in his
5 papers – and shown in the instant paper not to be accurate!!
6

7 24. Mr. Arnot has told me in the 10 years he has been a trustee
8 he has worked on thousands of cases where there were no
9 assets.
10

11 25. Obviously, when there are no assets, Mr. Arnot never had to
12 develop the essential accounting skills properly to manage \$1.3
13 million of my assets.
14

15 26. Likewise, I have also asked Mr. Arnot about various ledgers on
16 on which he was entering various aspects of my estate.
17

18 27. He appeared confused by my question and told me to keep
19 quiet.
20

21 28. An additional issue regarding Mr. Arnot's minimal accounting
22 skill and knowledge is the fact this causes my conversations
23 with him to be absurd, because Mr. Arnot does not believe I
24 have a right to know the assets and value of my Bankruptcy
25 estate.
26

1
2 29. To reiterate: I transferred no assets after the conversion order.
3

4 30. I have been told by persons at HSBC Singapore and HSBC
5 Australia that I have no money there.
6

7 I declare under penalty of perjury under the laws of the United States
8 that the foregoing is true and correct. Signed at Irvine CA.
9

10 Dated 13 Aug. 2018 /s/  Peter Szanto
11
12

13 **5. Conclusion**
14

15 Debtor should not be punished for matters wholly and exclusively
16 within the control of the trustee! That is, all bank accounts / brokerage
17 accounts were all within Mr. Arnot's control after 11-30-2017. Debtor
18 presumed that the Trustee (per rule) would manage debtor's estate so as to
19 preserve assets. Instead, Mr. Arnot vacationed on the French Riviera, took
20 life easy, and simply did not care. While such *insouciance* of the French is
21 charming and is an envied lifestyle, it does not comport with the stronger
22 American values of diligence, perspicacity and astute trusteeship to prevent
23 capital losses.

24 Every matter of which Mr. Arnot complains is of his own making
25

1
2 because he allowed more than a month to pass without any action what-
3 so-ever to preserve and protect estate assets!!!
4

5 Further, the other demonstrable area of Mr. Arnot's failing is in the
6 accounting for estate assets which he has done poorly and inaccurately.
7

8 While it may be true that Mr. Arnot excels when estates have no
9 assets, in this case he has failed to act with the requisites of diligence and
10 asset preservation so as to benefit anybody but himself.
11

12 The contempt Motion must be denied.
13

14 Respectfully,
15

16
17 Dated 13 August /2018 /s/  Peter Szanto
18
19
20
21
22
23
24
25

PROOF OF SERVICE

My name is Maquisha Reynolds, I am over 21 years of age and not a party to the with action. My business address is PO Box 10451, Newport Beach CA 92660. On the date indicated below, I personally served the within:

Response

- a. Internal Revenue Service, PO Box 7346, Philadelphia PA 19101
- b. First Service Residential, 15241 Laguna Canyon Rd, Irvine CA 92618
- c. JPMorgan Chase Bank, represented by:
Cara Richter c/o Shapiro & Sutherland
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
- d. Bank of America, c/o McCarthy & Holthus
920 SW 3rd Av., Portland OR 97204
- e. Oregon Department of Revenue, 955 Center St., Salem OR 97301
- f. Chapter 7 Trustee, Stephen P Arnot, POBox 1963, Lake Oswego OR 97035
by e-mail to arnotlaw@sbcglobal.net
- g. Susan Szanto, 11 Shore Pine, Newport Beach CA 92657

by mailing copies to the above parties via 1st class mail, postage prepaid, or by e-mail.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Signed at Irvine CA.

Dated 8-13-2018 /s/ Maquisha Reynolds Maquisha Reynolds



HSBC BANK USA, N.A.

OUR REF # 010309776
DATE: 10/JAN/2018
BOOK TRANSFER CREDIT ADVICE

CREDIT A/C # T313572046
REF:AUK10018RK0WXXTS
001238
PETER SZANTO
PO BOX 14894
IRVINE, CA 92623-4894

*****\$1,009.99

ML01653

REF:
B/O:



HSBC BANK AUSTRALIA LIMITED



REMITTER INFORMATION:ORG=A/C-AUHKBA091102186102, MR PETER SZANTO, 11 SHORE PINE DRIVE, NEWPORT BEACH, CALIFORNIA/US, OGB=HSBC BANK AUSTRALIA LIMITED, ATT: FINANCIAL CONTROL DEPARTMENT, HSBC CENTRE L/6 580 GEORGE STREET, SYDNEY NSW 2000 AUSTRALIA, OBI=RETURN OF FUNDS AS PER HBUS REQUEST PETER SZANTO

BENEFICIARY INFORMATION:BNF=A/C-313572046, SZANTO
94 IRVINE CA 92623-4894 U, S,

PETER, PO BOX 148

HSBC Bank USA

nnnnnn 01 01 001238 001573 P

A-1



HSBC BANK USA, N.A.

OUR REF # 010309823
DATE: 10/JAN/2018
BOOK TRANSFER CREDIT ADVICE

CREDIT A/C # T313566836
REF: AUK10018RK0WYBB4
001237
PETER SZANTO
PO BOX 14894
IRVINE, CA 92623-4894

*****\$60,001.99

ML01652

REF:
B/O:



HSBC BANK AUSTRALIA LIMITED



REMITTER INFORMATION: ORG=A/C-AUHKBA091102186102, MR PETER SZANTO, 11 SHORE PINE DRIVE, NEWPORT BEACH, CALIFORNIA/US, OGB=HSBC BANK AUSTRALIA LIMITED, ATT: FINANCIAL CONTROL DEPARTMENT, HSBC CENTRE L/6 580 GEORGE STREET, SYDNEY NSW 2000 AUSTRALIA, OBI=RETURN OF FUNDS AS PER HBUS REQUEST PETER SZANTO

BENEFICIARY INFORMATION: BNF=A/C-313566836, SZANTO
94 IRVINE CA 92623-4894 U, S,

PETER, PO BOX 148

HSBC Bank USA

nnnnnn 01 01 001237 001572 P

A2



HSBC BANK USA, N.A.

OUR REF # 010309791
DATE: 10/JAN/2018
BOOK TRANSFER CREDIT ADVICE

CREDIT A/C # T278527256
REF:AUK10018RK0WY41S

001146
PETER SZANTO
PO BOX 14894
IRVINE, CA 92623-4894

*****\$20,372.01

ML01538

REF:
B/O:



HSBC BANK AUSTRALIA LIMITED



REMITTER INFORMATION:ORG=A/C-AUHKBA091102186102, MR PETER SZANTO, 11 SHORE PINE DRIVE, NEWPORT BEACH, CALIFORNIA/US, OGB=HSBC BANK AUSTRALIA LIMITED, ATT: FINANCIAL CONTROL DEPARTMENT, HSBC CENTRE L/6 580 GEORGE STREET, SYDNEY NSW 2000 AUSTRALIA, OBI=RETURN OF FUNDS AS PER HBUS REQUESTPETER SZANTO

BENEFICIARY INFORMATION:BNF=A/C-278527256, SZANTO
94 IRVINE CA 92623-4894 U, S,

PETER, PO BOX 148

HSBC Bank USA

nnnnnn 01 01 001146 001464 P

A3

Post Conversion Transfers

E-Trade Account
Number -5272



11/30/2017 Balance:
\$950,052.51

Transferred:

12/1 - \$99,999.97
12/4/ - \$99,999.99
12/5 - \$77,777.77



TOTAL:
\$277,777.73



To HSBC Account
Number -9269



Global Transfers Overseas:

12/4/17 - \$77,900
12/5/17 - \$99,999.98

Domestic Transfers

to BofA -2580:
12/6 - Check
#1202 \$99,998.00
12/8 -reversal by bank

Interbank Transfers

to HSBC on 12/7:
Acct. -8495: \$10,542.62
Acct. -2046: \$11,000
Acct. -8316: \$20,100
Acct. -6836: \$25,000
Acct. -7256: \$33,333.01
Acct. -6836: \$99,998

EXHIBIT
B of
RESPONSE

(B)

EXHIBIT B

Trustee's

FORM 2 ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD

Case No: 16-33185
Case Name: Peter Szanto

Trustee Name: Stephen Arnot
Bank Name: Associated Bank
Account Number/CD#: XXXXX4977

Checking

Taxpayer ID No: XX-XXX1767
For Period Ending: 01/17/2018

Blanket Bond (per case limit): \$63,926,457.00
Separate Bond (if applicable):

1	2	3	4	5	6	7	
Transaction Date	Check or Reference	Paid To / Received From	Description of Transaction	Uniform Tran. Code	Deposits (\$)	Disbursements (\$)	Account/CD Balance (\$)
01/10/18	17	E*Trade Financial PO Box 484 Jersey City, NJ 07303-0484	Liquidation of brokerage account no xxxx2698 Liquidation of E*Trade brokerage account no xxxx2698	1129-000	\$0.04		\$0.04
01/10/18	17	E*Trade Financial PO Box 484 Jersey City, NJ 07303-0484	Liquidation of brokerage account no xxxx6400 Liquidation of E*Trade brokerage account no xxxx6400	1129-000	\$9,829.87		\$9,829.91
01/10/18	17	E*Trade Financial PO Box 484 Jersey City, NJ 07303-0484	Liquidation of brokerage account no xxxx5272 Liquidation of E*Trade brokerage account no xxxx5272	1129-000	\$566,877.70		\$576,707.61
01/10/18	45	Bank of America P O Box 15047 Wilmington, DE 19850-5047	Liquidation of bank of America Account No xxxx 2580 Per Court order, Bank of America turned over funds in checking account No xxxx 2580 in the name of the debtor. Deposits came from debtor's E*trade acct	1129-000	\$112,987.40		\$689,695.01
01/17/18	16	Union Bank San Francisco, CA	balance in Account No. 2572 close out balance in acct no 2572 on 1-12-18	1129-000	\$21,807.34		\$711,502.35
01/17/18	15	Union Bank San Francisco, California	close out balance in account no 2580 as of 1-11-18	1129-000	\$14,297.72		\$725,800.07
01/17/18	101	Peter Szanto	Return of Debtors Exempt Social Security deposits Returned to debtor 2 months social security deposits into the DIP account that are exempt	8100-002		\$1,194.00	\$724,606.07

COLUMN TOTALS
\$725,800.07
Less: Bank Transfers/CD's \$0.00
Subtotal \$1,194.00
\$725,800.07

Page Subtotals:



ORIGIN ID: DTHA (949) 887-2369
SZANTO
SZANTO
P.O. BOX 14894

SHIP DATE: 11AUG18
ACTWGT: 0.50 LB
CAD: 112243018/NET4040

IRVINE, CA 92623
UNITED STATES US

BILL SENDER

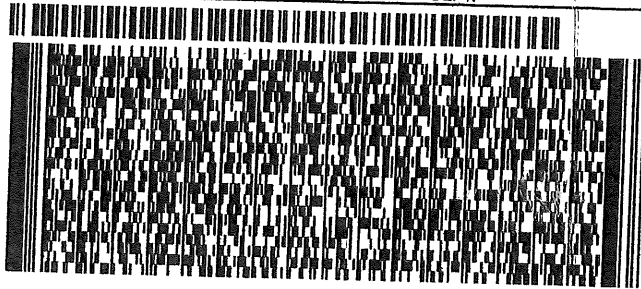
TO CLERK-DIST OREGON
US BANKRUPTCY COURT PORTLAND
1001 SW 5TH AVE #700
ROOM 700 @ 1001 SW 5TH AV
PORTLAND OR 97204

(503) 610-0865

INV:
PO:

REF:

DEPT:



FedEx
Express



J11231087221ur

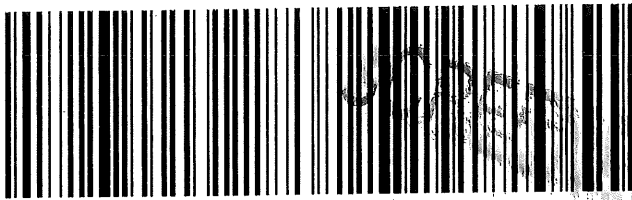
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Extremely Urgent

Do not ship liquids, blood, or clinical specimens in this packaging

DISTRICT OF OREGON

2018 AUG 13 AM 11:13

LOGGED REC'D

PAID DOCKETED

CLERK U.S. BANKRUPTCY COURT
DISTRICT OF OREGON

AUG 13 2018

LOGGED REC'D
PAID DOCKETED

PETER SZANTO 949-887-2369
11 Shore Pine
Newport Beach CA 92657

US BANKRUPTCY COURT
DISTRICT OF OREGON

2018 MAY 22 PM 4:01

LODGED REC'D

United States Bankruptcy Court

in and for the District of OREGON

1001 SW 5th Av., Portland OR 97204

In Re Peter Szanto

Debtor

16 –bk-33185 pcm7

(and all related adversarial proceedings

1. Notice of Motion for Disqualification

and Motion for Disqualification of

Honorable Judge Peter C. McKittrick

28 USC § 144, 28 USC § 455

2. Affidavit of Peter Szanto in Support

3. Petition for Referral and Transfer

to U.S. District Court on Grounds

that this Motion for Disqualification

is not a Core Proceeding on Which

This Court Can Enter an Order

28 USC § 157

16-bk-33185

Recusal Motion 5-23 -2018 – pg. 1

1
2 **1. Plaintiff's Certification Relating to Pre-filing Conferral**
3 **(Certification Pursuant to LBR 7007-1(a))**
4

5 Debtor telephoned counsel for the various entities (between
6 February 2, 2018 and May 21, 2018) identified on the proof of service
7 seeking discussion as to the matters herein. Not one of said counsel
8 returned any of debtor's requests for conferral.

9
10 Debtor also telephoned Mr. Arnot and Mr. Blacklidge on 5-2-2018
11 to discuss the matters presented herein. The calls went to voice mail and
12 debtor requested a return call, ASAP.

13
14 Thereafter, neither Mr. Arnot nor Mr. Blacklidge made any effort
15 to contact debtor.

16
17 As of the signing of the instant paper, debtor has received no
18 further communication from either Mr. Arnot or Mr. Blacklidge.

19
20 Debtor has also, on numerous occasions, attempted to
21 communicate with Mr. Henderson, Mr. Laurick, Mr. Kono, Ms McClurg, all
22 to no avail

23
24 Thus, pursuant to rule, debtor has sought conferral so as to
25 resolve the situation, but has been unsuccessful in that regard.

1
2 I certify under penalty of perjury under the laws of the United States,
3 that foregoing is true and correct. Signed at Irvine CA.

4
5
6 DATED 5-23-2018 s/  Peter Szanto

7
8 **2. Introduction**

9
10 To the Honorable Court, the Chapter 7 Trustee, the U.S.
11 Trustee and the various other interested parties herein, please take notice
12 comes now debtor seeking recusal of Judge McKittrick for cause (meaning
13 intense bias and prejudice which are readily recognizable as such by any
14 objective observer) and which make further proceedings in this Court
15 preordained as having the predicable outcome of further adverse decisions
16 ALL to debtor's detriment.

17
18 As matters of fact and law, Judge McKittrick has become an
19 active participant in this action ⁱⁿ on all manners and all grounds in opposition
20 to debtor.

21
22 Judge McKittrick can no longer carry out any act in this action
23 that requires judicial impartiality and fairness.^{!!}

1
2
3 **3. Necessity for the Hearing of this**
4 **Application in the District Court**

5 Comes now debtor, Peter Szanto, who gives notice to this Court,
6 the trustees and the creditors that he hereby moves this Court for the
7 disqualification of the Honorable Judge McKittrick from further participation
8 in this case. This matter is requested to heard expeditiously.
9 be

10 Referral to, and final determination by the U.S. District Court is
11 required, on grounds that proper, unbiased determination of Judge
12 McKittrick's disqualification is not a core proceeding in which this Court
13 can enter a final order. 28 USC § 157 and *Stern v. Marshall* (2011) 131
14 S.Ct. 2594.

15
16 **LIKEWISE, PURSUANT TO FRBP 7012(b) DEBTOR**
17 **ABSOLUTELY DOES NOT CONSENT TO ENTRY OF FINAL**
18 **ORDERS OR JUDGMENT BY THE BANKRUPTCY COURT!!**
19
20

21 **4. GROUNDS**

22 **FIRST:** 28 USC § 455 allows disqualification of any justice, judge, or
23
24 magistrate judge:

1
2 (a) in any proceeding in which said judge's impartiality might
3 reasonably be questioned.

4
5 (b)(1) Where the judge has a personal bias or prejudice
6 concerning a party, or personal knowledge of disputed
7 evidentiary facts concerning the proceeding.

8
9 **SECOND:** 28 USC § 144 addresses the bias or prejudice of judge.

10 28 USC § 144 allows a litigant to file an affidavit that the judge
11 before whom the matter is pending has a personal bias and
12 prejudice against him and in favor of any adverse party, such
13 judge shall proceed no further therein, but another judge shall
14 be assigned to hear such proceeding.

15
16 **5 . ESSENTIAL FACTS**

17
18 When the facts of this Bankruptcy are distilled to their essential
19 and truthful substance all that has happened is that a Chapter 11 debtor
20 who has sought reorganization, has been shown to be disorganized.¹ The
21 words themselves demonstrate the Court's bias: rather than recognize the
22 necessity for community property analysis (the root of the disorganization),

23 1. Disorganization is readily explained in the context of debtor and his spouse (of 20 years) and business
24 partner (of 40 years) seeking to wrap-up an ultra complex relationship fairly to both parties. As matters
25 of fact and law all that was ever really shown was that debtor and his spouse's finances are extensively
26 commingled. Such commingling is what California law requires!! And, further bias is demonstrated by
27 Judge McKittrick's failure to refer this matter to a judicial officer in a community property state.

28 16-bk-33185

Recusal Motion 5-23 -2018 – pg. 5

1
2 the Court chose to inflict a non-community property analysis upon debtor
3 so as to find him lacking based only on those community property rules
4 which debtor had carried out as required by his wife's residence in a
5 community property jurisdiction.

6
7 However, on balance, as to the various matters which may
8 arguably be characterized as debtor's disorganization, debtor met every
9 criticism by taking immediate action to rectify the errors that troubled the
10 Court so as to be wholly transparent in his finances.

11
12 Instead of viewing this as *bona fide* rehabilitation and effort to
13 resolve the tangle of financial disorganization, Judge McKittrick's decisions
14 have been, and continue to be, punitive in the extreme, so as to deprive
15 debtor of rights and protections Title 11 and other laws to which he is
16 absolutely entitled . of

17
18 As proceedings herein progress, Judge McKittrick's comments,
19 decisions and general statements become increasingly more biased and
20 lacking in impartiality towards debtor Szanto.

21
22 A full annotation of the many acts of bias is impossible at the
23 present time, because debtor is trying desperately to secure enough
24 money to obtain food just to stay alive – and a complete and thorough
25 analysis would be presently too time consuming.

1
2 Ultimately, the most overriding matter throughout the entire of
3 this Bankruptcy which conforms to the 28 USC § 455(a) standard of the
4 questioning of a judge's impartiality is Judge McKittrick's unending belief
5 (often times to the point of absurdity) that all attorneys state only all of the
6 truth all of the time.

7
8 For Judge McKittrick, all attorneys (from the beginning of time
9 until the end of all things) tell – and will always tell the truth. This is the
10 bedrock of Judge McKittrick's legal philosophy: that passing the bar exam
11 always creates complete honesty and righteousness. It appears to debtor
12 that Judge McKittrick actually believes that no attorney every pruposefully
13 lies so as to prevail in an action.

14 The folly and full dimension of Judge McKittrick's misplaced
15 confidence in attorney truthfulness was perfectly exemplified at the hearing
16 of May 16, 2018.

17 Debtor complained that the Chapter 7 trustee had not timely
18 sent papers to him. Debtor argued that the proof of failed mailing was not
19 merely the lack of receipt of physical papers, but also the lack of receipt of
20 the papers by the agreed to e-mail between the trustee and debtor.

21 *Debtor's attestation of.*
22 Rather than inquiring this important point of failed e-mailing from
23 the trustee or his counsel, Judge McKittrick merely flew into one of his
24 intolerant rages against debtor -- that debtor often complains of not
25 receiving opposition mailings.

1
2 The point of this analysis is that rather than inquiring from the
3 trustee the truth of debtor's e-mail complaint – Judge McKittrick was much
4 more comfortable not even making any impartial inquiry, but immediately
5 attacked debtor as to culpability. *and the highly offensive attack on credibility,*

6
7 This example is cited merely for its nearness in time and
8 because it dramatically exemplifies Judge McKittrick's constant irrational
9 and misguided attacks on debtor in absolute derogation of logic and truth.

10
11 **6. FACTS WHICH JUSTIFY DISQUALIFICATION and RECUSAL**

12 (this is a partial listing which will be elaborated prior to and at the time of the
13 hearing in the District Court)

14
15 Debtor seeking recusal of Judge McKittrick contends, that Judge McKittrick's
16 actions, for example in case # 16-3114, (failing to enforce default by allowing defendants
17 *a* ~~an~~ legally improper number of opportunities properly to plead; disregarding debtor's
18 efforts to perfect a ^{DEFAULT} judgment; constraining debtor's discovery, but allowing ^{IT'S} discovery to
19 continue; failing to respect the 28 USC § 157 mandatory rules for withdrawal of the
20 Bankruptcy reference) all clearly demonstrate acts which any reasonable observer, with
21 knowledge of the facts and law, could and would readily characterize as bias against
22 debtor and extreme prejudice against debtor's positions.

23
24 On these bases, debtor asks Judge McKittrick to excuse himself from further
25 consideration of matters in this case, based on the facts and evidence in the record
26 and matters stated herein. Judge McKittrick is asked to refrain from further participation
27 in this case *(and its adversarial proceedings).*

1
2 **7. EVIDENCE of BIAS and MEMORANDUM of LAW**
3 **in SUPPORT of DISQUALIFICATION**
4

5 **a. This is a Straight Forward Case Which Would Have Long Ago Been**
6 **Discharged But for Judge McKittrick's Intense Bias Against Debtor !!**

7 The plain fact of this case is that because debtor is a pro se litigant, Judge
8 McKittrick has made the prejudiced presumption that debtor's case has neither
9 substance nor merit. This couples well with Judge McKittrick's underlying philosophy
10 that all attorneys speak all of the truth all of the time. Thus, all attorney statements
11 (regardless of truth) will always, always trump debtors contentions.

12 As a matter of fact, however, the correct way to ascertain the merits and the
13 substance of debtor's claims is to allow debtor the opportunity to present evidence and
14 testimony to prove his claims. This was clear in the first instance when, (in 16-ap-3114)
15 even though defendants had clearly defaulted, Judge McKittrick protracted the case
16 without justification – rather than allow a prove-up hearing which would have settled
17 the matter. Judge McKittrick's abuse of discretion (all to debtor's detriment) was failure
18 to hold defendants' culpable for not responding to the complaint for 6 months.

19 In that same vein of bias, Judge McKittrick ended discovery for debtor on July 31,
20 2017, but permitted discovery to continue for defendants upon wholly fabricated and
21 false grounds. Judge McKittrick failed to recognize that Susan Szanto's deposition was
22 available to defendants without subpoena under state law. Nevertheless Judge
23 McKittrick extended discovery based on defendants' perjured representations. As such
24 Judge McKittrick became an active participant in causing Susan Szanto extreme
25 emotional distress regarding the taking of a deposition based on a subpoena with
26 which she was never served.

1
2 Here, the metric of bias is that Judge McKittrick knew as early July 2017 that he
3 would be deciding the 16-3114 case in favor of defendants. This was evident when
4 Judge McKittrick: 1) sanctioned Peter Szanto for discovery lateness engendered by an
5 armed attack on his family by Victor Szanto; 2) disallowed “boxes boxes and boxes” of
6 relevant materials solely based on the unverified testimony of Mr. Henderson; 3) let
7 defendants make a non-statutory discovery request for denials; 4) took no action when
8 evidence emerged that defendants’ counsel had suborned improper influence of a
9 judge in Nevada in abrogation of 11 USC § 362.

10 **b. Failure to Follow Supreme Court Metric for *Pro Se* Litigants**
11 **Demonstrates Further Bias**

12 The U.S Supreme Court has held that “a *pro se* litigant in essence stands in the
13 place of an attorney.” *Business Guides v. Chromatic Communications* (1991) 498 US
14 533, 558. Judge McKittrick, however, has not provided that measure of attorney
15 deference mandated by that rule and instead has consistently derided and belittled
16 Szanto’s efforts as though they were meaningless. This has happened consistently
17 since the outset of this action by way of Judge McKittrick denying Szanto the electronic
18 filing privilege, without any off setting additional time for ordinary mail delivery—thereby
19 causing Szanto to incur thousands of dollars of unnecessary expenses for FEDEX
20 delivery. Likewise, contrary to the Supreme Court mandate, Judge McKittrick has not
21 treated Szanto with the deference of being able to file electronically **in every other**
forum where Szanto is currently pursuing actions.

22 **c. Deprivation of Fundamental Rights**

23
24 The mandate of the 1st Amendment to the *U.S. Constitution* is that all persons are
25 guaranteed the fundamental right to redress their grievances before courts of law.

1
2 Here, because debtor is not an attorney and because debtor is in the final stages
3 of succumbing to melanoma, he requires additional time to accomplish various aspects
4 of this litigation. Rather than accommodating what are at worst minor delays, Judge
5 McKittrick has purposefully deprived debtor of the minor extensions for which he has
6 petitioned.

7 Ultimately, the right of redress becomes non-existent whenever a trial court has
8 refused to follow the attorney equivalency instructions of the Supreme Court and, as
9 here, the right of redress has ceased to exist in Judge McKittrick's court.

10
11
12 **d. Reasonable Question as To Judge McKittrick's Impartiality**

13
14 28 USC § 455 focuses on the question of whether Judge McKittrick's impartiality
15 can reasonably be questioned. Debtor contends that disqualification is warranted
16 because, as presented here, Judge McKittrick simply abused his discretion by failing to
17 treat the parties equitably.

18 Any objective observer of these facts would readily conclude that Judge
19 McKittrick intensely despises debtor, harbors ill-will towards debtor and that there has
20 been absolutely no impartiality in Judge McKittrick's conduct of the proceedings
21 regarding. More importantly, because of Judge McKittrick's bias towards debtor, the
22 outcome of any further proceedings which may be had before Judge McKittrick, as
23 demonstrated by Judge McKittrick's lack of impartiality, is such that the outcome of the
24 proceedings is a foregone conclusion as being contrary to any position which debtor
25 may advocate or rely upon.

1
2
3 **e. Bias and Prejudice Have Overwhelmed Every Aspect of Judge McKittrick's**
4 **Decision Making and Judge McKittrick Has Become an Active Participant**
5 **(Rather than an Impartial Judicial Officer) Against Szanto**

6 Pursuant to 28 USC § 144, a litigant is allowed to file an affidavit that the judge
7 before whom the matter is pending has a personal bias and prejudice against him and
8 in favor of any adverse party. Such a judge shall proceed no further in the action,
9 another judge shall be assigned to hear such proceeding.

10 The affidavit shall state the facts and the reasons for the belief that bias or
11 prejudice exists, and shall be filed for good cause, to be shown, for failure to file it prior
12 to the commencement of proceedings.

13 Today, on May 23, 2018, for the 1st time in this matter, debtor has fully realized –
14 after extensive study, research and analysis, that Judge McKittrick's actions were a real
15 and profound demonstration of severe bias, hatred and prejudice.

16 Thereon, debtor proffers the attached affidavit.
17

18 The very good cause for bringing this disqualification now is that without the
19 bringing of this motion, all future decisions Judge McKittrick will render will be
20 grounded upon Judge McKittrick's personal bias towards debtor and will not be based
21 on the law, truth or facts of this case.

22 Now, debtor prays another judicial officer hear the proceedings regarding Judge
23 McKittrick's antipathy and bias against debtor. In the meantime, Judge McKittrick's
24 participation in this action is stayed as a matter of law pursuant 28 USC § 144.

1
2 **F. Request for Disqualification is NOT a Core Proceeding and**
3 **Should be Decided in the U.S. District Court**

4
5 28 USC § 157 enumerates the core proceedings which may be finally decided in
6 the Bankruptcy Trial Court. Disqualification is not such a core proceeding and debtor
7 prays that determination of Judge McKittrick's disqualification be determined before the
8 United States District Court.

9 Thereon, debtor prays disqualification of Judge McKittrick from any further
10 decision making or other participation in this matter.

11
12 **DECLARATION / AFFIDAVIT of DEBTOR**

- 13 1. My name is Peter Szanto, I am the debtor in this action.
- 14
- 15 2. The matters stated here are true and I will testify to them in Court.
- 16
- 17 3. Judge McKittrick's dismissal, with prejudice, of the 16-ap-3114 action, has caused
18 me to conclude that Judge McKittrick is biased and prejudiced against me and my
19 interests.
- 20 4. I am projecting that bias to the Bankruptcy and the other causes of action ~~which~~
21 involved herein, because dismissal was contrary to the affirmative rule of *Foman*
22 *v Davis* (1962) 371 U.S. 178, 182 accord *Conley v. Gibson*, (1957) 355 U.S.
23 41,47 wherein the U.S. Supreme Court has directed Federal Courts to decide
24 cases on their merits, not abstract constraining technicalities which are unproven.

1
2 5. Judge McKittrick's bias towards me and favoritism towards the defendant baffle
3 me, because I have tried to do everything correctly properly to pursue this series
4 of actions. *and credit*

5
6 6. I would have brought this motion much sooner had I fully-known and understood
7 the quality and nature of Judge McKittrick's mind-set of bias against me.

8 7. I am a law school graduate, I am a candidate for the California bar, I have
9 worked at various courthouses for many years.

10 8. I have confidence in the U.S. Constitution and the laws of the United States.

11
12 9. By depriving me of the ability to pursue this action, Judge McKittrick deprived me
13 of the 1st Amendment right timely and properly to redress my grievances.

14 10. I believe Judge McKittrick's animosity towards me to be personal and not based
15 on any tangible legal fact, rule or law.

16
17 11. I do not believe that any fair or impartial outcome will occur in this case so long
18 as Judge McKittrick is presiding over the within series of cases.

19 12. On that basis, I ask Judge McKittrick to disqualify himself from all further
20 participation in this action.

21
22 13. On these bases, I believe further proceedings before Judge McKittrick will be
23 deleterious to my legal positions and will result in negative outcomes for me.

24 14. I do not believe that any fair hearing or fair outcome of this case will occur before
25 Judge McKittrick.

1
2
3 I declare under penalty of perjury, under the laws of the United States of
4 America that the foregoing is true and correct. Signed at Irvine, CA.

5 Dated May 23, 2018  Peter Szanto
6

7 Thereon, debtor would respectfully ask Judge McKittrick to disqualify himself
8 from further participation in this action such that it may proceed to final judgments
9 and discharge before an unbiased judicial officer.

10
11 Dated May 23, 2018  Peter Szanto
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1
2 **PROOF OF SERVICE**
3

4 **My name is Maquisha Reynolds, I am over 21 years of age and not a**
5 **party to the with action. My business address is PO Box 4614, Portland**
6 **OR 97208. On the date indicated below, I personally served the within:**

7 **Motion**
8


- 9 a. Internal Revenue Service, PO Box 7346, Philadelphia PA 19101
10 b. First Service Residential, 15241 Laguna Canyon Rd, Irvine CA 92618
11 c. JPMorgan Chase Bank, represented by:
12 Cara Richter c/o Shapiro & Sutherland
13 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
14 d. Bank of America, c/o McCarthy & Holthus
15 920 SW 3rd Av., Portland OR 97204
16 e. Oregon Department of Revenue, 955 Center St., Salem OR 97301
17 f. Chapter 7 Trustee, Stephen P Arnot, POBox 1963, Lake Oswego OR 97035
18 by e-mail to arnotlaw@sbcglobal.net
19 g. Susan Szanto 11 Shore Pine Newport Beach CA 92657
20

21 **by mailing copies to the above parties via 1st class mail, postage**
22 **prepaid, or by e-mail.**

23 **I declare under penalty of perjury under the laws of the United States**
24 **that the foregoing is true and correct. Signed at Irvine CA.**

25 **Dated 5-23-2018** *Maquisha Reynolds* **Maquisha Reynolds**
26
27
28

Below is an Order of the Court.


PETER C. MCKITTRICK
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In Re:
PETER SZANTO

Debtor.

Bankruptcy Case
No. 16-33185-pcm7

ORDER DENYING MOTION FOR
DISQUALIFICATION OF HONORABLE
JUDGE PETER C. MCKITTRICK

Debtor filed a Notice of Motion for Disqualification and Motion for Disqualification of Honorable Judge Peter C. McKittrick (the "Motion"). Doc. 479. The Motion was filed in the above-captioned main case and requested by debtor to be cross-docketed in all of the related adversary proceedings. To more expeditiously reach the merits of debtor's motion, the court accedes to debtor's request, assuming, without deciding, that debtor has standing to file this motion in all related adversary proceedings and without prejudice to any future ruling regarding debtor's standing in any particular adversary proceeding.

Debtor argues that he is entitled to the relief sought pursuant to

1 28 U.S.C. § 455 and 28 U.S.C. § 144.¹ Motion, p. 4-5. It is well
2 established that 28 U.S.C. § 144 does not apply to bankruptcy judges.
3 In re Goodwin, 194 B.R. 214, 221 (9th Cir. BAP 1996). Accordingly, I
4 will treat the Motion as a motion to recuse pursuant to 28 U.S.C. § 455.

5 As an initial matter, debtor argues that this motion must be
6 referred to the United States District Court on the grounds that this
7 proceeding is not a core proceeding in which this court may enter a
8 final order. However, a motion to disqualify a judge must be decided by
9 the judge whose impartiality is being questioned. In re Bernard, 31
10 F.3d 842, 843 (9th Cir. 1994). Moreover, the question of final entry of
11 orders or judgment in this matter is not at issue because an order
12 denying a motion to recuse is interlocutory. In re Goodwin, 194 B.R. at
13 221 (collecting cases).

14 ///

15 ///

16 ///

17 ///

18 ///

19 _____
20 1 The latter statute provides:

21 Whenever a party to any proceeding in a district court makes and
22 files a timely and sufficient affidavit that the judge before whom
23 the matter is pending has a personal bias or prejudice either
24 against him or in favor of any adverse party, such judge shall
proceed no further therein, but another judge shall be assigned to
hear such proceeding.

25 18 U.S.C. § 144 (emphasis added). 28 U.S.C. § 144 applies, by its
26 express terms, to district court proceedings only, and therefore is not
applicable here.

1 28 U.S.C. § 455 provides, as relevant here:

2 (a) Any justice, judge, or magistrate judge of the United
3 States shall disqualify himself in any proceeding in which his
4 impartiality might reasonably be questioned.

5 (b) He shall also disqualify himself in the following
6 circumstances:

7 (1) Where he has a personal bias or prejudice concerning a
8 party, or personal knowledge of disputed evidentiary facts
9 concerning the proceeding[.]

10 28 U.S.C. § 455(a), (b).

11 The test for evaluating bias or prejudice under § 455 is an
12 objective one, "whether a reasonable person with knowledge of all the
13 facts would conclude that the judge's impartiality might reasonably be
14 questioned." In re Goodwin, 194 B.R. at 222. An allegation of lack of
15 impartiality or bias or prejudice must be based on an "extra-judicial
16 source and result in an opinion on the merits on some basis other than
17 what the judge learned from his participation in the case." In re
18 Basham, 208 B.R. 926, 933 (9th Cir. BAP 1997), aff'd, In re Byrne, 924
19 F.2d 924 (9th Cir. 1998) (table).

20 [O]pinions formed by the judge on the basis of facts
21 introduced or events occurring in the course of the current
22 proceedings, or of prior proceedings, do not constitute a
23 basis for a bias or prejudice motion unless they display a
24 deep-seated favoritism or antagonism that would make fair
25 judgment impossible. Thus, judicial remarks during the
26 course of a trial that are critical or disapproving of, or
even hostile to, counsel, the parties, or their cases,
ordinarily do not support a bias or partiality challenge.
They may do so if they reveal an opinion that derives from an
extrajudicial source; and they will do so if they reveal such
a high degree of favoritism or antagonism as to make fair
judgment impossible.

1 Liteky v. United States, 510 U.S. 540, 555 (1994) (emphasis in
2 original). Although the court should recuse itself if the circumstances
3 warrant, there is also the "duty not to recuse if the circumstances do
4 not warrant." In re Wisdom, 2014 WL 2175148 at *5 (Bankr. D. Idaho
5 2014), aff'd, 2015 WL 2371489 (D. Idaho 2015).

6 In support of the Motion, debtor argues that I have "intense bias
7 and prejudice which are readily recognizable as such by any objective
8 observer." Motion, p. 3. He argues that my bias is evidenced by
9 misapplication of the law by "inflict[ing] a non-community property
10 analysis upon debtor so as to find him lacking," Motion, p. 6, and that
11 I inappropriately - and to pro se debtor's detriment - believe "that all
12 attorneys state only all of the truth all of the time," Motion, p. 7.
13 Debtor also takes issue with several of my decisions rendered in
14 Adversary Proceeding No. 16-3114-pcm, discussed below.

15 Debtor's argument that my bias is evidenced by incorrect rulings,
16 including a purported ruling involving an analysis of community
17 property, is unpersuasive. As a general rule, if any of my rulings are
18 incorrect, the proper channel to challenge them is through appeal.
19 "[J]udicial rulings alone almost never constitute a valid basis for a
20 bias or partiality recusal motion." Liteky v. United States, 510 U.S.
21 at 555. An erroneous ruling is not bias; the court "may be wrong
22 without being prejudiced." In re Goodwin, 194 B.R. at 224. Moreover, I
23 have yet to rule on any community property issues raised in this case.
24 If required to do so, this court is capable of addressing any community
25 property issues that may arise.

1 Debtor also argues that several of my rulings in Adversary
2 Proceeding 16-3114-pcm evidence bias against him. See Motion, p. 8-10.
3 However, these rulings are equally subject to review on appeal. In
4 fact, debtor has appealed my ruling granting summary judgment on all of
5 his affirmative claims. I have reviewed the rulings cited by debtor and
6 conclude that a reasonable person, with knowledge of all the pertinent
7 facts, would not reasonably question my impartiality based on these
8 rulings.

9 Debtor's second argument, that I operate under the belief "that all
10 attorneys state only all of the truth all of the time," is not grounded
11 in fact. I have considered each matter on its merits whether presented
12 by debtor or attorneys for other parties appearing in this case and the
13 related adversary proceedings. Each matter has been decided according
14 to the dictates of the law and based on the evidence provided.

15 In support of his argument, debtor states that I failed to fully
16 question the chapter 7 trustee regarding service of documents on debtor
17 during a hearing held in the main case on May 16, 2018. Motion, p. 7.
18 After reviewing the filings and the audio recording of that hearing, I
19 determine that I did not inappropriately rely on any representation from
20 either party. Moreover, I allotted debtor additional time to submit his
21 evidentiary objections to the court.

22 Debtor points to the May 16 hearing as one example of my bias, but
23 he failed to provide any additional examples for the court to review.
24 Because this case has proceeded for nearly two years and has resulted in
25 hundreds of docket entries and hours of hearings, I did not
26 independently review the entire record. The court does not have an

1 independent duty to conduct such a review. I have routinely required
2 all interested parties to submit written evidence in support of their
3 positions and have made credibility findings as necessary based on the
4 evidence before me. I have decided each issue based on the law and the
5 facts before me. As noted above, such judicial rulings alone almost
6 never constitute a valid basis for a bias or partiality recusal motion
7 and do not do so in this instance.

8 For the above-stated reasons and in the interest of justice and
9 good cause appearing therefor,

10 IT IS HEREBY ORDERED that the Motion is DENIED.

11 ###

12 Cc: Peter Szanto
13 Stephen P. Arnot
14 UST
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26

PETER SZANTO 949-887-2369
11 Shore Pine
Newport Beach CA 92657

US BANKRUPTCY COURT
DISTRICT OF OREGON

2018 JAN 11 AM 11:26

LOGGED REC'D

DOCKETED

United States Bankruptcy Court

in and for the District of OREGON

1001 SW 5th Av., Portland OR 97204

In Re Peter Szanto

16 -bk-33185 pcm7

Debtor's Notice of Motion and 2nd Motion

Debtor

to

Postpone 341 Meeting of Creditors

Hon. Judge Peter C. McKittrick, presiding

1. Plaintiff's Certification Relating to Pre-filing Conferral
(Certification Pursuant to LBR 7007-1(a))

Debtor telephoned Chapter 7 Trustee, Mr. Steve Arnot, on 1-8-2018 at 9:11AM and 10:32AM to discuss the matters presented herein. The calls went to voice mail and debtor requested a return call, ASAP.

Debtor telephoned Chapter 7 Trustee's counsel, Mr. Blackledge on 1-8-2018 at 9:14AM and 1 PM to discuss the matters presented herein. The calls went to voice mail and debtor requested a return call, ASAP.

16-bk-33185

Motion 1-10--2018 - pg. 1

1
2 Thereafter, neither Mr. Arnot nor Mr. Blacklidge made any effort
3 to contact debtor.
4

5 As of the signing of the instant paper, debtor has received no
6 further communication from either Mr. Arnot or Mr. Blacklidge.
7

8 Ms McClurg has sent debtor a prospective letter to the effect --
9 that for all time – irregardless of whatever relief debtor requests, she will
10 oppose it.
11

12 Thus, pursuant to rule, debtor has sought conferral so as to
13 resolve the situation, but has been unsuccessful in that regard.
14

15 I certify under penalty of perjury under the laws of the United States,
16 that foregoing is true and correct. Signed at Irvine CA.
17

18 DATED 1-10-2018 /s/  Peter Szanto
19
20
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2. Introduction

To the Honorable Court and the Chapter 7 Trustee, please take notice, comes now debtor seeking a second postponement of the 341 hearing currently scheduled for 1-16-2018.

As will be explained momentarily, there are numerous good causes for postponement.

The primary reason is debtor's psychological depression, anxiety and fear which have necessitated debtor obtaining containing psychiatric treatment as explained in [EXHIBITS A, B, C]. The need for medical treatment of the intense and painful psychological traumas engendered by the events herein are being reviewed for coverage by debtor's Medicare administrator.

Additional good cause is debtor's MOTION to REMOVE TRUSTEE ARNOT which is also being filed today. The 341 meeting should not go forward with the intense animosity which exists between debtor and Trustee Arnot.

The third good cause is that venue is no longer appropriate in this district. This fact arises for numerous reasons which will be addressed in debtor's Motion to Change Venue. Chief among these are inconvenience of the Oregon forum and the fact that non-parties' whose property Trustee Arnot has seized are currently preparing petitions for Bankruptcy relief in California's Central District.

1
2 The fourth good cause is that debtor's inability to pay for travel
3 and lodging to Portland. Debtor, who resides in Southern California, 1000
4 miles from Portland, does not have the financial resources to travel to
5 Oregon at the present time. As shown in [EXHIBIT D], the last ticket
6 available for a flight to attend the 341 hearing from the airport most access-
7 ible to debtor is \$1,754. [EXHIBIT E] shows accommodations at the Econo
8 Lodge for the nights of the 341 hearing. Debtor investigated the posh Econo
9 Lodge only because the Portland YMCA was fully booked for those nights.

10 11 **3. Essential Facts**

12 The trustee's control over debtor's assets has had an immensely
13 negative and horrific impact on debtor's financial life. Even a Starbucks
14 Latte is now beyond debtor's means. Hot meals are a luxury.

15
16 Debtor's psychological outlook has become desperate. Debtor
17 has sought and obtained continuing psychiatric treatment as explained in
18 [EXHIBITS A, B, C]. Debtor's mental state from the anguish of having
19 more than a \$1.4 Million Dollars of his property expropriated is devastating.
20 Debtor simply does not know what to do next!!

21 Debtor is making MOTION to REMOVE TRUSTEE ARNOT,
22 upon the basis that Arnot is not following the 11 USC § 704 rules, is failing
23 to disclose his seizures of debtor's property and is forcing persons who
24 have no involvement with this Bankruptcy into Bankruptcies of their own.

1
2 The 341 meeting should not go forward with the intense
3 animosity which exists between debtor and Trustee Arnot.
4

5 The third good cause is that venue is no longer appropriate in
6 this district. This fact arises for numerous reasons which will be addressed
7 in debtor's Motion to Change Venue. Chief among these are inconvenience
8 of the Oregon forum, debtor's continuing psychological treatment in
9 California and the fact that non-parties' whose property Trustee Arnot has
10 seized are currently preparing petitions for their own Bankruptcy relief in
11 California's Central District.
12

13 The fourth good cause is, as previously, debtor's ability to pay
14 for travel and lodging to Portland. Debtor. Debtor's lack of money to travel
15 to Oregon at the present time has become critical. As shown in [EXHIBIT
16 D], the last ticket available for a flight to attend the 341 hearing from the
17 airport most accessible to debtor is \$1,754. [EXHIBIT E] is accommodations
18 at the Econo Lodge for the nights of the 341 hearing. Debtor investigated
19 the stylish Econo Lodge only because the Portland YMCA was fully booked
20

21 **3. Memorandum**

22

23 Debtor is asking to extend the time of the 341 meeting. Presently,
24 the hearing date is the 16th of January. Debtor asks an extension until
25 after the Motions for Trustee Removal and Change of Venue are decided.

1
2 FRBP Rule 9006(b)(1) is the rule which allows for enlargement
3 and extension of time and provides (no local alters this rule):
4

5 *"In general. Except as provided in paragraphs (2) and (3)*
6 *of this subdivision, when an act is required or allowed to*
7 *be done at or within a specified period by these rules or*
8 *by a notice given thereunder or by order of court, the*
9 *court for cause shown may at any time in its discretion (1)*
10 *with or without motion or notice order the period enlarged*
11 *if the request therefor is made before the expiration of*
12 *the period originally prescribed or as extended by a*
13 *previous order."*

14 This application is being sent for mailing on 1-10-2018, six days
15 before the date of the hearing and so the only requirement for relief is
16 good cause.

17 The first good cause as stated is the psychological trauma
18 through which debtor is suffering with the seizure of all of his money and
19 property. [EXHIBITS A, B, C] explain debtor's current psychological
20 condition. Debtor is fearful to be away from his psychiatrist's guidance and
21 assistance even for a short time.

22 Additional good cause is that debtor seeks to remove Trustee
23 Arnot from further participation in this Bankruptcy. Debtor suggests to the
24 Court that any 341 meeting at the present time would be counter-
25 productive, because of the intense animosity between Arnot and Szanto.

1
2 The third good cause is that venue is no longer proper in this
3 district, because of inconvenience and extreme expense to destitute
4 debtor of traveling to Portland.

5
6 Additionally, non-parties whose money and property have been
7 seized by Mr. Arnot, under the false and improper pre-text of using the
8 instant Bankruptcy to expropriate whatever property Arnot is able to get
9 his hands on, are intending to seek Bankruptcy relief in California. Those
10 destitute debtors will be indispensable parties in debtor Szanto's
11 Bankruptcy, but consideration need be made for their travel and lodging
12 expenses.

13
14 The fourth good cause is the continuing inability of debtor to
15 afford travel to, and lodging in, Portland [EXHIBITS D, E].

16
17 Here, the various good causes demonstrate that postponing the
18 341 meeting would be advisable. Postponement will use less of debtor's
19 limited resources and also provide to assure debtor's continued good
20 health as well as allow the new Trustee to understand the dynamics
21 herein.

22
23 **4. Declaration of Peter Szanto**

24 1. My name is Peter Szanto, I am the debtor herein.

2. This is my truthful declaration regarding postponement of the 341 hearing.
3. My psychological outlook at the present time is grim and becoming progressively worse. [EXHIBITS A, B, C]
4. The Trustee's seizure of approximately \$1.4 million of my money and property has caused me to become destitute and nearly psychotic with worry and stress about my very bleak future.
5. I am frightened with worry and fear that I will never get my money back and that my debts will never be discharged.
6. The fear, stress and anxiety of the events of this Bankruptcy have created intense psychological pain for me as I attempt to determine my limited courses of action.
7. Mr. Arnot and I have talked numerous times and I believe to an absolute certainty that his goals are neither to assist with discharge of my debts nor offer guidance with any other aspect of Bankruptcy relief.

1
2 8. I am receiving increasingly intense personal attacks from Susan
3 Szanto, because she holds me personally responsible for the fact
4 that Mr. Arnot has seized her property without notice and without
5 any ability for her to attend a hearing before a judicial officer to
6 stop such expropriation.

7
8 9. It is Mr. Arnot's unnoticed and cavalier approach knowingly to
9 seize Susan Szanto's property which has convinced me that
10 Mr. Arnot should be removed as Trustee.

11
12 10. Additionally, I am shocked that Mr. Arnot has demanded that
13 non-parties Susan Szanto and Jakkob Szanto appear before him
14 in Portland with proof of ownership of all of their own property.

15
16 11. Based on the fact that Mr. Arnot has unilaterally made Susan
17 Szanto and Jakkob Szanto indispensable parties in this case,
18 the Bankruptcy petitions Susan and Jakkob intend to file will be
19 in the Central California District. It would be appropriate and
20 conserve judicial resources to hear all three cases there.

21
22 12. Previously the Court's comment that debtor should be able to
23 do better than \$2325 for round trip airfare to Portland.

24
25 13. Debtor has used all of his skill and knowledge and found a
cheaper fare [EXHIBIT D].

1
2 14. As for lodging, rooms at the YMCA were booked solid for the
3 nights of 1-15-18 and 1-16-18.
4

5 15. The most modest accommodations I was able to locate in
6 close proximity to the Courthouse were at the Econo Lodge
7 [EXHIBIT E].
8

9 16. At the present time, I am in desperate need of legal
10 assistance, but I do not have funds to hire counsel.
11

12 17. This case has gotten beyond my ability to understand what
13 the goals of this Bankruptcy are and I am desperately attempting
14 to develop a strategy for dealing with liquidation.
15

16 18. Thereon, I pray postponement of the 341 hearing until the
17 resolution of the various matters enumerated *supra*.
18

19 I declare under penalty of perjury under the laws of the United
20 States that the foregoing is true and correct. Signed at Irvine CA.
21

22 Dated 1-10/2018 /s/  Peter Szanto
23
24
25

1
2 **5. Conclusion**
3

4 The treatment which debtor is receiving for his psychological
5 injuries do not permit for attendance at the 341 meeting at the present
6 time. Other factors also demonstrate very good cause for postponement.
7

8 Debtor would pray that a short postponement be granted.
9

10
11 Respectfully,

12
13 Dated 1-10/2018  _____ Peter Szanto
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1
2 **PROOF OF SERVICE**
3

4 **My name is Maquisha Reynolds, I am over 21 years of age and not a**
5 **party to the with action. My business address is PO Box 4614, Portland**
6 **OR 97208. On the date indicated below, I personally served the within:**

7 **MOTION**
8

- 9 a. Internal Revenue Service, PO Box 7346, Philadelphia PA 19101
10 b. First Service Residential, 15241 Laguna Canyon Rd, Irvine CA 92618
11 c. JPMorgan Chase Bank, represented by:
12 Cara Richter c/o Shapiro & Sutherland
13 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
14 d. Bank of America, c/o McCarthy & Holthus
15 920 SW 3rd Av., Portland OR 97204
16 e. Oregon Department of Revenue, 955 Center St., Salem OR 97301
17 f. Chapter 7 Trustee, Stephen P Arnot, POBox 1963, Lake Oswego OR 97035
18 by e-mail to arnotlaw@sbcglobal.net

19 **by mailing copies to the above parties *via* 1st class mail, postage**
20 **prepaid, or by e-mail.**

21 **I declare under penalty of perjury under the laws of the United States**
22 **that the foregoing is true and correct. Signed at Irvine CA.**

23
24
25
26 **Dated 1-10-2018** *Maquisha Reynolds* **Maquisha Reynolds**
27
28



GORDON G. GLOBUS, M.D.
Professor Emeritus
University of California

ATTENTION
BANKRUPTCY COURT PORTLAND OREGON

I am a board certified psychiatrist and have conducted a psychiatric examination of Peter Szanto who has consulted me for symptoms of anxiety, panic, depression and suicidal preoccupation. In effect there has been a total psychological breakdown of a previously high functioning individual. He is currently facing a Chapter Seven liquidation which has precipitated this symptomatology to the point that he is a definite suicidal risk.

A psychodynamic understanding of Mr. Szanto is crucial to evaluating his current emotional breakdown. This is a man who has been a successful independent businessman and in control of his life. He is a family man who has spent his entire life providing for the benefit of others. He now faces a situation for which he is psychologically ill-prepared: loss of control, which is exacerbated by being in court far from home. In this distant court he is also deprived of the usual circumstances in which he feels comfortable and secure. He is desperately in need of treatment, in particular psychotherapy several times per week, to provide understanding and grounding at this time of existential crisis. I have accordingly referred him to a senior psychoanalyst in Newport Beach, Dr. Elena Bezzubova, for emergency treatment.

In my medical opinion it is essential that there be a change in venue to a local court so that he can feel more emotionally secure in familiar surroundings and with available support systems, as well as participate in frequent treatment sessions.

Gordon Globus M.D.

Newport Beach, CA 1/8/2018

Gordon Globus, M.D.
Professor Emeritus of Psychiatry and Philosophy
University of California Irvine

Distinguished Life Fellow, American Psychiatric Association

A

360 San Miguel Dr., Suite 503
Newport Beach, CA 92660
(949) 759-9515 office (949) (888) 474-5034 fax ggglobus@uci.edu

GORDON GLOBUS M.D. PSYCHIATRY[Home](#)[Clinical Practice](#)[Expert Witness](#)[Curriculum Vitae](#)[General Information](#)**GENERAL INFORMATION**

EDUCATION: BA. Cornell University (1955, with high honors in psychology). MD. Tufts University (1959, Alpha Omega Alpha Honorary Society). Internship, Veterans Administration Center, Los Angeles (1960). Residency, McLean Hospital Division of Harvard Medical School (1961). Residency, Boston University Medical Center (1962, Chief Resident 1963). Research Fellow, Boston University School of Medicine (1964-65). Candidate, Boston Psychoanalytic Institute (1962-66).

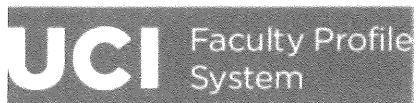
POSITIONS: Assistant Prof., Boston University School of Medicine (1966). Senior Surgeon, U.S. Public Health Service (1967-68). Chief, Biological Clinical Research Section, Extramural, National Institute of Mental Health (1968). Professor, University of California Irvine (1968-1993). Chief, Psychosomatic and Consultation Service, Orange Co. Medical Center (1969-76). Founder and Director, UCI Psychotherapy Clinic (1976-80). Founder and Director, University Service at Capistrano by the Sea Hospital (1980-88). Vice-Chair for Capistrano by the Sea (1988-91). Co-Attending, Emergency Admitting Unit, UCI Medical Center (1992-93). Visiting professorships in Brazil, Denmark and Russia (1995-98).

AWARDS: Distinguished Life Fellow, American Psychiatric Association.

CERTIFICATIONS: American Board of Psychiatry and Neurology (in psychiatry), 1967.

PUBLICATIONS: Four solo books, two edited books and over ninety articles. (A complete list is available on request.)

B

[For Faculty](#) | [Search Tips](#) | [About](#)**GORDON G. GLOBUS**

Professor Emeritus, Psychiatry & Human Behavior
School of Medicine

M.D.

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Research Interests Research in cognitive science, neural networks and dreams.

Publications Globus GG; Arpaia JP. Psychiatry and the new dynamics. Biological Psychiatry, 1994 Mar 1, 35(5):352-64.

Link to this profile http://www.faculty.uci.edu/profile.cfm?faculty_id=2838

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SNA to PDX UA 500 PDX to SNA UA 501		
12:44 am - 12:59 am		
PDX to SNA UA 500 SNA to PDX UA 501		
12:59 am - 1:14 am		
1:14 am - 1:29 am		
1:29 am - 1:44 am		

Wed, Jan 17, 2018

Wed, Jan 17 7:15 am Portland, OR, US (PDX)	Thu, Jan 18 8:53 pm Orange County, CA, US (SNA)	1 Connection
PDX to SNA UA 500 SNA to PDX UA 501		
8:53 pm - 9:08 pm		
9:08 pm - 9:23 pm		
9:23 pm - 9:38 pm		
9:38 pm - 9:53 pm		
9:53 pm - 10:08 pm		

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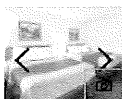


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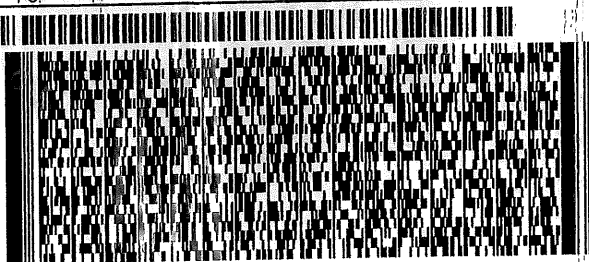
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